DOCUMENT RESUME

ED 075 727 CG 007 752

TITLE	Drugs in Our Schools: Hearings before the Select Committee on Crime. House of Representatives, Ninety-Second Congress, Second Session: New York City.
INSTITUTION	Congress of the U.S., Washington, D.C. House Select Committee on Crime.
PUB DATE	72
NOTE	514p.
AVAILABLE FROM	Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 ($3.50)
EDRS PRICE	MF-$0.65 HC-$19.74
DESCRIPTORS	*City Problems; City Wide Programs; *Drug Abuse; Drug Addiction; *Drug Legislation; Legislation; *Legislators; Marihuana; *Narcotics; Publications; School Personnel; School Policy; Socially Deviant Behavior; Social Problems; Urban Schools
IDENTIFIERS	Congressional Hearings; New York City

ABSTRACT

This document is a collection of the second session of hearings on drug abuse in the schools, conducted for the House of Representatives' Select Committee on Crime. This particular part delves into the drug problem in New York City. Witnesses from this city whose statements were heard in the 1972 hearings include school teachers, former drug addicts, undercover police officers, district attorneys, school principals, and executive administrators of city school systems. Relevant data are included in tables and charts throughout the documents. The findings on the other cities involved in these hearings can be found in the ERIC collection. (SES)

FILMED FROM BEST AVAILABLE COPY

EA

DRUGS IN OUR SCHOOLS

ED 075727

HEARINGS

BEFORE THE

SELECT COMMITTEE ON CRIME
HOUSE OF REPRESENTATIVES

NINETY-SECOND CONGRESS

SECOND SESSION

NEW YORK CITY

JUNE 19, 20, 1972; NEW YORK, N.Y.
JUNE 21, 27, 1972; WASHINGTON, D.C.

CG 007 752

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
OFFICE OF EDUCATION
THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL OFFICE OF EDUCATION POSITION OR POLICY

DEC 18 1972

SCOPE OF INTEREST NOTICE
The ERIC Facility has assigned this document for processing to: EA

CG

In our judgement, this document is also of interest to the clearinghouses noted to the right. Indexing should reflect their special points of view.

Printed for the use of the Select Committee on Crime
(Created pursuant to H. Res. 115)

ED 075727

DRUGS IN OUR SCHOOLS

HEARINGS

BEFORE THE

SELECT COMMITTEE ON CRIME

HOUSE OF REPRESENTATIVES

NINETY-SECOND CONGRESS

SECOND SESSION

NEW YORK CITY

JUNE 19, 20, 1972; NEW YORK, N.Y.
JUNE 21, 27, 1972; WASHINGTON, D.C.

Printed for the use of the Select Committee on Crime
(Created pursuant to H. Res. 115)

U.S. GOVERNMENT PRINTING OFFICE
82-401 WASHINGTON : 1972

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C., 20402 - Price $3.50

SELECT COMMITTEE ON CRIME

CLAUDE PEPPER, Florida, *Chairman*

JEROME R. WALDIE, California
FRANK J. BRASCO, New York
JAMES R. MANN, South Carolina
MORGAN F. MURPHY, Illinois
CHARLES B. RANGEL, New York

CHARLES E. WIGGINS, California
SAM STEIGER, Arizona
LARRY WINN, Jr., Kansas
CHARLES W. SANDMAN, Jr., New Jersey
WILLIAM J. KEATING, Ohio

JOSEPH A. PHILLIPS, *Chief Counsel*
MICHAEL W. BLOMMER, *Associate Chief Counsel*
CHRIS NOLDE, *Associate Counsel*

CONTENTS

Dates Hearings Held

Page
June 19, 1972, New York, N.Y 1
June 20, 1972, New York, N.Y 113
June 21, 1972, Washington, D.C 265
June 27, 1972, Washington, D.C 331

Statements of Witnesses

Anker, Dr. Irving, deputy chancellor, New York City public schools 361
Baden, Dr. Michael M., deputy chief medical examiner, New York, N.Y 78
Baumann, James, teacher, Franklin K. Lane High School, Brooklyn, N.Y 492, 502
Beame, Abraham D., comptroller, New York City, N.Y 114
Brenda, former addict now in treatment program, New York City, N.Y 303
Conlon, Kathleen, undercover police officer, Narcotics Unit, Police Department, New York City, N.Y 266
Curran, Paul, chairman, New York State Commission of Investigation 44
Doud, Dr. Robert, director, research and development, associate director, psychiatry, New York City Department of Health 97
Finney, Graham S., commissioner, Addiction Services Agency, New York, N.Y 463
Fisch, Joseph, chief counsel, New York State Commission of Investigation 44
Gold, Eugene, district attorney, Kings County, N.Y 202
Golden, Elliott, chief assistant district attorney, Kings County, N.Y 202
Hines, Charles J., assistant district attorney in charge, rackets bureau, Kings County, N.Y 202
Joe, former addict now in treatment program, New York City, N.Y 303
Joel, former addict now in treatment program, New York City, N.Y 303
Lester, Dr., director of instruction, New York City public schools 361
Pitkin, Dr. Olive, director, Bureau of School Health, New York City Department of Health 97
Roberts, Burton, district attorney, Bronx County, N.Y 179
Scribner, Dr. Harvey, chancellor, New York City public schools 361
Selub, Morton, principal, Franklin K. Lane High School, Brooklyn, N.Y 480
Shapiro, Dr. Elliott, superintendent, New York City (Manhattan) Community School District No. 2 242
Shapiro, Rose, former member, New York City Board of Education, and special assistant on drugs, office of Gov. Nelson A. Rockefeller 226
Silver, Edward, member, New York State Commission of Investigation 44
Silverman, Ira, investigative reporter, NBC News, New York, N.Y 331, 356
Spinelli, Stephen, undercover police officer, Narcotics Unit, Police Department, New York City, N.Y 4
Steve, former addict now in treatment program, New York City, N.Y 303
West, Selma, drug coordinator, New York City (Manhattan) Community School District No. 2 242
Williams, Frederick, executive director, personnel, New York City public schools 361

MATERIAL RECEIVED FOR THE RECORD

Baden, Dr. Michael M., deputy chief medical examiner, New York City, N.Y., summary of remarks 96

Beame, Abraham D., comptroller, New York City:
  - Report entitled, "Comptroller's Recommendations Concerning Proposed Addition to Manhattan House of Detention," dated June 26, 1972 133
  - Report entitled "The New York City School System and Drug Addiction," dated July 1971 140
  - Report entitled, "The Forgotten Children—A Second Study of School Truancy," dated July 1972, with letter of transmittal and new release 175

Curran, Paul, chairman, New York State Commission of Investigation, report dated July 6, 1971 70

Finney, Graham S., commissioner, New York City Addiction Services Agency, prepared statement 477

Shapiro, Rose, former member, New York City Board of Education, prepared statement 239

Scribner, Dr. Harvey, chancellor, New York City public schools:
  - Letter dated October 2, 1972, to Chairman Pepper, re recommendations to combat drug abuse 416
  - Prepared statement 414
  - Special circular concerning procedures relating to detection of drug abuse 391

Tobin, Irwin, director, Bureau for Health and Physical Education, New York City Board of Edudation, letter dated June 28, 1972, re programs and suggestions to combat drug abuse 445

West, Selma, drug coordinator, New York City (Manhattan) Community School District No. 2, outline of programs and funds requested 254

DRUGS IN OUR SCHOOLS

MONDAY, JUNE 19, 1972

House of Representatives,
Select Committee on Crime,
New York, N.Y.

The committee met, at 10:30 a.m., in room 305, 26 Federal Plaza, New York City, N.Y., Hon. Claude Pepper (chairman) presiding.

Present: Representatives Pepper, Brasco, Mann, Rangel, and Winn.

Also present: Joseph A. Phillips, chief counsel; Michael W. Blommer, associate chief counsel; Chris Nolde, associate counsel; Fred Hafetz, special consulting counsel; and Leroy Bedell, hearings officer.

Chairman Pepper. The committee will come to order, please.

Ladies and gentlemen, I am Congressman Claude Pepper from Florida, chairman of the House Select Committee on Crime. I am very much pleased and honored to be accompanied today by a number of my distinguished colleagues.

On my right is Congressman Brasco, of New York; next is Congressman Mann of South Carolina; then Congressman Rangel of New York; and on my left, Congressman Winn of Kansas.

Today, largely at the instance of our two distinguished colleagues, Congressman Brasco and Congressman Rangel, the House Select Committee on Crime begins an extensive series of hearings in various cities and suburbs across the Nation.

These hearings are concerned with drugs in our schools, a condition which has become so extensive, so pervasive, that it has assumed the proportions of a national scandal. Our hearings are designed to determine the extent to which hard drugs are being bought, sold, and abused by children in our schools.

More importantly, however, the committee will inquire into the abject failure of our governmental institutions—especially our schools—to aggressively attack the problems and control the increase in narcotics abuse by school-age children.

In some cities the school drug education programs which have been brought to our attention have been the cause rather than the cure of additional drug abuse.

In Fort Lauderdale, Fla., for example, the head of the Florida Treatment and Rehabilitation of Drugs Institution persuaded the school officials not to use any more of the educational programs paid for by the Federal Government because he thought they were educating children in the use of narcotics rather than preventing them from becoming abusive.

Some school systems have no policy or program to contain drug abuse. In fact, this committee's staff has been advised that there is no point in identifying school-age drug abusers because neither the school system nor any other governmental institution has an effective program for giving that child remedial attention. If this is true, our schools are not performing their fundamental responsibility and are truly failing our Nation's youth.

Our staff has also found that some systems merely suspend the child when they determine he has a drug problem. The fact that no effort is made by such school systems to rehabilitate these children is disastrous. The youth continues his drug addiction and rapidly becomes involved in continuous criminal activity—with all the deleterious social problems that entails.

Most regrettably, the policy of most school boards seems to be one of turning away from the problem by refusing to acknowledge the extent to which it exists at the local school level. Sweeping this problem under the rug, as has been the case, is a tremendous disservice to our youth and our community.

As the President proclaimed last year, our Nation is presently involved in a national drug epidemic—a national emergency. The number of drug addicts has been steadily and alarmingly increasing—from 315,000 in 1969, to 559,000 in 1971. Most tragically, the overwhelming portion of that increase has been among our Nation's school age youth.

Recently a national commission found that 6 percent of our Nation's high school pupils had used heroin. That means that 1½ million of our schoolboys and schoolgirls are already gravely endangered by that deadly menace. Experimenting with heroin, or any other hard drug, can only lead to a life of crime, degradation, and death.

This same national survey showed that 8 percent of this country's high school youth—2 million young people—have tried hallucinogenic drugs such as LSD, mescaline, and peyote. Approximately 5 percent have tried cocaine, 8 percent have used methamphetamines or "speed," 7 percent have tried barbiturates, and 5 percent have tried painkillers, such as morphine and codeine. Eight-year-olds are experimenting here in New York, we are told, with heroin which they can buy in the grade school yard; young girls and boys are "popping pills" of all kinds; and 13-year-olds are buying dope from their 15-year-old school friends.

Heroin kills more young people in New York City than any other single cause, including automobile accidents, homicides, and suicides. Teenage narcotics deaths here in New York City have risen from 15 in 1960 to an incredible 227 this past year.

In 1969, for the first time in the city's history, there were heroin deaths of children under the age of 15. At that time, the New York City Board of Education had no policy or program, we are told, to deal with drug abuse.

Even the most conservative estimates indicate that there are at least 40,000 teenage drug addicts living in New York City, and this sickness has spread to other large cities, suburbs, and rural areas at an unprecedented rate.

In New York City, this committee has been informed, the drug sales in high schools have been so extensive that an NBC television investigative reporter was able to easily film heroin sales to high school students at Franklin K. Lane High School in Brooklyn. Mr. Ira Silverman, the reporter, has testified in executive session of our committee, at the insistance of Mr. Brasco and Mr. Rangel, members of this committee, and described the extensive drug addiction that he found in this city's public schools.

We have been informed by other witnesses that schools have become sanctuaries for drug sales because some school officials have interfered with police investigations of drug sales in their school. We have also been informed of instances in which drug sellers have made special efforts to supply and addict young high school girls who are then introduced into prostitution rings in order to support their drug habit.

I just learned that in my own area of Greater Miami this last weekend a young girl at a shopping center was handed a package, a little sack, and told to go home and "try this, you will like it."

She took it home, showed it to her mother. It turned out to be marihuana. These people deliberately trying to induce these youngsters into the use of marihuana as a prelude to the whole drug field.

Drug abuse in the New York City school system also creates other grave problems which afflict the system. Studies show the school attendance rate in New York City to be among the Nation's lowest. We are told that some of the city schools only have one-third attendance.

A substantial cause of the absenteeism is debilitating drug use preventing children from attending school, and drug sales to children, frequently at the very portals of the schoolhouse. The increased rate of student delinquency noted in recent studies, including thefts, robberies, and shakedowns of other students, is directly related to the drug abuse problem.

It appears, therefore, that concerted and determined effort by the National, State, and local governments is desperately needed if this crisis is to be abated.

The Federal Government must take an active and prominent role in the fight against drug abuse, especially at our schools. We cannot let these young children's lives turn into crime, degradation, and death.

It is my hope that these hearings will be the first step in a march which will result in reclamation of these young drug users.

It is, we hope, the beginning of a national commitment to assure drug-free schools.

Our first witness today is Detective Stephen Spinelli, who is an undercover police officer assigned to investigate narcotics sales in various New York City schools.

Our committee is accompanied by our chief counsel, Mr. Joseph Phillips; our associate chief counsel, Mr. Michael Blommer; and our special consulting counsel, Mr. Hafetz.

Mr. Spinelli, will you be sworn, please?

Chairman PEPPER. Mr. Phillips, will you please inquire?

Mr. PHILLIPS. Gentlemen, I think from here on no photographs will be allowed of the witness' face. The witness is going to remove his hood so that each member of the committee may see him and gage his answers more appropriately. The media will not take any photographs of the witness' face.

Chairman PEPPER. Has everyone now taken the photographs they wish to take of the witness with his hood? I am sure you understand the reason why we have requested you not to take any pictures of the witness with his hood off. As I said, he is an undercover agent and his effectiveness as an undercover agent, should he be photographed without the hood, would be gravely impaired.

Mr. PHILLIPS. Does everybody understand they are not to take any further pictures of Detective Spinelli's face?

Detective Spinelli, will you please remove your disguise.

Tell us how long you have been a police officer?

STATEMENT OF STEPHEN SPINELLI, UNDERCOVER POLICE OFFICER, NARCOTICS UNIT, POLICE DEPARTMENT, NEW YORK CITY, N.Y.

Mr. Spinelli. I have been a police officer for approximately 6 years.

Mr. Phillips. During the course of your police work, did you do work undercover before you got into narcotics work?

Mr. Spinelli. Yes, sir; in one unit within the police department I was detailed for special assignment.

Mr. Phillips. You say you had a special assignment?

Mr. Spinelli. That is correct, sir. I operated in what is known as the "decoy squads" in the tactical patrol force.

Mr. Phillips. Tell us what the decoy squad of the tactical patrol force is.

Mr. Spinelli. Primarily the function at that time was to deal with levels of crime that dealt with muggings, rape, and assorted crimes of that nature; on the person.

Mr. Phillips. During that period of time, did you develop any ability at disguises, things of that nature?

Mr. Spinelli. Yes, I did.

Mr. Phillips. Tell us about your work in that area?

Mr. Spinelli. I worked in a number of different disguises, anywhere from being dressed as a woman to being dressed as a rabbi, and a number of other associated types of disguises.

Mr. Phillips. When you worked as a woman, there was one particular incident that you told the staff about, and I am sure the committee would be interested. You worked as a woman, dressed in women's clothes?

Mr. Spinelli. That is correct.

Mr. Phillips. And wearing a padded bra and things of that nature?

Mr. Spinelli. That is correct.

Mr. Phillips. Could you tell us what happened when you were doing that, and who the target of your investigation was?

Mr. Spinelli. At that time, when these teams were initially established, the reason for them mainly was in an area of east New York there had been many assaults on women.

In one instance there was a woman, a rape victim who died. She was a nurse, the wife of a doctor in a hospital in that vicinity, and our primary target at that time was by whatever possible means to catch that individual or other individuals that were perpetrating crimes on these people in that area.

While assigned over there in this capacity, I was operating in that area, and walking down the street——

Mr. Phillips. How were you dressed at that time?

Mr. Spinelli. I was dressed as a woman, wearing a jumper suit, with a wig on, and other assorted apparel.

Mr. Phillips. What would you say your sex appeal ratio was at that time?

Mr. Spinelli. Not very high.

Mr. Phillips. Could you tell us what happened?

Mr. Spinelli. Well, I was walking down the street at that time, and as I was going along a car drove up, at that time an unknown male in it, had made a number of candid remarks to me. And he had upon three occasions at that time.

I, at that time, assumed that if this was an individual that was intent on committing some type of crime, he wasn't going to do it in public view; so I proceeded to continue walking, and I walked into an area which was concealed from the public, along the street, it was dark, under a train trestle, not well lighted at all.

Again the individual approached me. It was then for the fourth time, this time, he made a number of remarks pertaining to my sexual appearance and how appealing I seemed.

As I walked along, he had pulled the car over to the curb, opened the driver's side of his car, gotten out, and at the same time, before doing this, he also opened the door on the right side of the car. He had exited from the car at that time and came up behind me and put his hand over my mouth and grabbed ahold of me, in a somewhat undescribable manner, and tried to pull me and drag me into his car.

At that time I flipped the individual, and my wig came off. My jumper straps broke. My team, who was covering me, at that time, proceeded to run up to my assistance. The individual weighed about 200 pounds, but it was like putting a baby up on the wall when I was effecting the arrest on him, due to the fact he was so stunned that I wasn't a woman, in effect, and I was a police officer, and he was aware of this.

Mr. Phillips. That is an interesting story.

Detective, I think the committee would be also interested in some of your educational background. Could you tell us about your educational background?

Mr. Spinelli. I am a college graduate, I completed all of my requirements for my master's degree, and I have to submit my thesis. I also have taken a number of correspondence courses in related fields, including law.

Mr. Phillips. You also are an ex-marine; is that correct?

Mr. Spinelli. That is correct, sir.

Mr. Phillips. You have both a long and distinguished academic and police career. I think in your police career you have been also awarded a detective's assignment, at a very young age, at least in the police department?

Mr. Spinelli. That is correct, sir.

Mr. Phillips. And you have also received some commendations from the police department in relation to your work?

Mr. Spinelli. That is correct, sir.

Mr. Phillips. Did you receive an assignment in the undercover division of the police department at any time?

Mr. Spinelli. Yes, I did. While on assignment, initially I was assigned to narcotics, into a field team. And while in that capacity as a field team officer, I also acted in the capacity of undercover, and at a future date I was assigned permanently to the undercover unit.

Mr. Phillips. Essentially, in your undercover work, could you tell us whether you were assigned to schools, or not?

Mr. Spinelli. Yes, sir; I was.

Mr. **Phillips**. Could you tell us what type of schools you were assigned to?

Mr. **Spinelli**. Well, I have been in high schools, colleges.

Mr. **Phillips**. Various high schools and colleges?

Mr. **Spinelli**. That is correct.

Mr. **Phillips**. For our purposes here, I think we have talked about Fort Hamilton.

Mr. **Spinelli**. That is correct.

Mr. **Phillips**. Susan Wagner.

Mr. **Spinelli**. That is correct.

Mr. **Phillips**. John Jay.

Mr. **Spinelli**. That is correct.

Mr. **Phillips**. And Franklin K. Lane?

Mr. **Spinelli**. That is correct.

Mr. **Phillips**. From your experience in the school system, would that be a cross-section of the high schools that exist here in New York City?

Mr. **Spinelli**. Yes, sir; at all levels, economically and socially. It would cover everything, completely.

Mr. **Phillips**. Could you expand on that a bit, for instance, describing the socioeconomic conditions at Fort Hamilton?

Mr. **Spinelli**. Fort Hamilton: The students attending there would be coming from families that were middle class or upper middle class.

Susan Wagner, in Staten Island, was also the same, middle class or upper. Both schools primarily white.

John Jay High School in Brooklyn: Those students were primarily black, low economic level, public assistance; and Franklin K. Lane, likewise, the same thing.

Mr. **Phillips**. So you had a broad spectrum of some of these schools here, they represented different neighborhoods, different ethnic compositions, and different economic conditions?

Mr. **Spinelli**. That is correct, sir.

Mr. **Phillips**. Tell us the conditions of the schools as they exist in relation to narcotic sales and use, on behalf of high school students.

Mr. **Spinelli**. Well, to generalize, in a sense, as to those four schools mentioned—there are others that I have worked in—I would have to say in relationship to your question, that users, pushers, whatever, I would have to make what I would deem in my own mind a conservative estimate, that at any one time, percentagewise, the kids that were involved in drugs, whether occasional users or whatever, would have to be made at approximately 90 percent of the kids in these schools.

Mr. **Phillips**. You would estimate 90 percent of the children in these high schools in New York City are involved in drugs in some way?

Mr. **Spinelli**. Right. Either as an occasional user or experimenting. At one time or another, from the people I have been associated with in the schools, addicts I have had interaction with in the streets surrounding the schools, or whatever, I would have to take that estimate. Approximately 90 percent at one time either experimented or used drugs or are still using drugs.

Mr. **Phillips**. Could you break that down in relation to what might be called "hard" drugs and "soft" drugs?

Mr. SPINELLI. Again, that would have to be broken down depending on the particular school, what area it was located in, the type of students that went there, and other factors which would affect it.

Take, for example, a school like Susan Wagner High School on Staten Island. I would estimate, as I stated before, approximately 90 percent of the children, boys and girls, attending that school had at one time or another experimented with the use of drugs, or are using them.

As far as hard-core users, what we would definitely term individuals who were addicted to heroin, this estimate would have to remain somewhere around, from what I have seen, 20 to 30 percent of the students.

Marihuana users, and pill users included, would have to be around, again I would deem a conservative estimate, approximately somewhere between 60 and 75 percent of the students in the schools.

Mr. PHILLIPS. So, close to 75 percent of the children in the schools have used that type of drug, soft drug?

Mr. SPINELLI. That is correct.

Mr. PHILLIPS. What percentage would use heroin?

Mr. SPINELLI. Roughly between 20 and 30.

Mr. PHILLIPS. When you go to work in a school like Susan Wagner, how do you deport yourself? How do you conduct your investigation?

Mr. SPINELLI. Well, initially a field team to which the school would be assigned, would go into the school, and they have to check on these schools during the course of a month. They will converse with the principal, dean of boys, whatever, ascertain the problems that are presented by these individuals, evaluate them, offer their own suggestions, make observations themselves. They are required to file a monthly report, but this report actually only states what the principal or the official of the school would say.

From that, if it is a positive meeting in the sense that both feel there are problems in the school, they will go on further. The team will request the permission of the school to send in an undercover in the capacity of a student, acting as such, and he will go about his activities in his capacity to purchase drugs.

Mr. PHILLIPS. Did you in fact do that at Susan Wagner?

Mr. SPINELLI. I did.

Mr. PHILLIPS. Could you tell how many drug sales you actually were involved in?

Mr. SPINELLI. Seven sales.

Mr. PHILLIPS. Seven students sold the drugs to you?

Mr. SPINELLI. That is correct.

Mr. PHILLIPS. In addition to the ones where you actually were the purchaser, did you observe other sales in the school?

Mr. SPINELLI. Yes, I did.

Mr. PHILLIPS. Could you tell me approximately how many other sales you observed in Susan Wagner?

Mr. SPINELLI. I would say in the course of my investigation I observed a minimum of another 25 to 30 sales.

Mr. PHILLIPS. This was visible, you had no trouble seeing this?

Mr. SPINELLI. That is right.

Mr. PHILLIPS. Where would these sales take place?

Mr. SPINELLI. They would take place in the cafeteria, bathrooms, hallways.

Mr. PHILLIPS. Right in the school building, itself?

Mr. SPINELLI. Correct. In the classrooms.

Mr. PHILLIPS. Could you tell us whether or not you had any cooperation or interference from the school authorities in this particular situation?

Mr. SPINELLI. Well, initially, from the beginning, I had met with the principal of the school and the dean of boys. The dean of boys was the prime mover in that he had met with the team initially and they had discussed the problems. After it was decided an undercover should be brought in, I went into the school.

I had a conference with the principal, the dean of boys, and my team. At that time the principal did request that I not carry any type of weapor because he feared what had happened in a Brooklyn college might be repeated in Susan Wagner High School.

Mr. PHILLIPS. That was an incident where a shooting took place?

Mr. SPINELLI. That is correct

Mr. PHILLIPS. And he was concerned a shooting might take place in this school?

Mr. SPINELLI. That is correct. He also requested that none of the students be arrested in the school, that they would be arrested at their homes.

Mr. PHILLIPS. Even though you sold the drugs in the school, they would be arrested elsewhere?

Mr. SPINELLI. That is correct.

Mr. PHILLIPS. Would you tell us whether or not there was a reason for that?

Mr. SPINELLI. His reason, which he had stated at that time, was he didn't want to cause an upset, as he put it, in the school. We didn't object to it—we found out at times we do have quite a few problems in dealing with the schools and getting their cooperation. So whenever we do, regardless to what extent we get that cooperation, we like to make things as pleasant as possible, and work as much as possible with them.

Mr. PHILLIPS. Did you, in fact, run into any interference in the school?

Mr. SPINELLI. Yes, I did. What happened was that the only teachers who were to know that I was in the school was the principal, the dean of boys, and a teacher in the cafeteria. The reason being that the principal more or less outlined the procedure that I would follow.

A number of program cards were given to me, all of them allowing me access to the lunchroom during the lunch period. I found that on the second day that I was there—I had already made one sale in the school——

Mr. PHILLIPS. Two days after you arrived, you had already purchased drugs; is that correct?

Mr. SPINELLI. One day.

Mr. PHILLIPS. One day. Could you tell me what kind of drug that was?

Mr. SPINELLI. That was marihuana.

Mr. PHILLIPS. That was relatively easy to acquire?

Mr. Spinelli. Yes, sir.

Mr. Phillips. Please continue.

Mr. Spinelli. What had happened, following that, during the course of those 2 days, I ran into quite a bit of interference. I ascertained through the dean of boys, due to my experiences within those 2 days, that the principal had told, in effect, seven teachers who were aware, as stated by the dean of boys to me, of my being in the school.

One of the problems that I had run into along the line, one teacher who was specifically told, and that being the one that was in the cafeteria, because I would be in there a number of periods, kept requesting from me my program card. It was being done in front of students and this was creating a great problem for me, because many of these students would be cutting their classes, would be there and would see this going on.

They would see him come up, request my program card, I would show it to him, and that was it. And then the next period it would be the same thing.

I reported this problem to the dean of boys. I must admit that I must commend the dean of boys in that school, because I got extreme cooperation from him in every manner, shape, or form. What happened following that, again he instructed the individual to stay away from me and not to bother me.

Following that, also on an occasion while I was in the hall, on that second day, I was waiting for the dean of boys to make a report, I went to his office. The principal had passed by me and he acknowledged me, walked away, approximately about 50 feet away. I was standing there at that time—because of my prior discussion with him, I felt that I didn't want to relate any information I had to him, ascertaining the fact I had known or learned of the seven teachers who were told of my identity, when they weren't supposed to, except for certain individuals.

While I was standing there waiting for the dean of boys, the principal stopped at the end of the hall and was in conversation with some other teachers in the school. At that time, when I turned around, I observed the principal point toward me, was in discussion with this teacher, pointed toward me and the other teacher turned around, pointed at me and started smiling. I knew then, at that time, the principal had in effect told this teacher who I was and what I was doing.

Following this, a number of days later, I stated this problem again to the dean of boys, and I asked him to ask the principal "why?" He had ascertained the principal did in fact tell people, and he didn't acknowledge his question, just walked away from him, wouldn't answer him.

Mr. Phillips. So it was your conclusion as the result of the information received, the principal, rather than cooperating with you was interfering with your investigation by disclosing your identity?

Mr. Spinelli. That is correct.

Mr. Phillips. In addition to impeding the success of any sales that you might make, or any criminals you might identify, or youth selling drugs you might identify, it would also substantially put you in danger; would it not?

Mr. Spinelli. That is correct.

Mr. Phillips. Did there come a time when there was a raid of a men's room or something like that in the school?

Mr. Spinelli. Yes, sir. That teacher, who as I had stated before was warned many times to stay away from me and the areas I was operating, while in effect I was taking part in a sale, as in the capacity of acting as an addict, from a seller in the school, a known seller, I was placing my hand in my pocket while he was placing his hand in his to obtain the drugs.

Mr. Phillips. You were right in the middle of a drug sale; is that correct.

Mr. Spinelli. That is correct. While this teacher, who even the students had stated does not bother with the bathroom because it was a center place, as one would term it, where drugs were sold and used.

At that time in the bathroom there were some individuals in the back of the bathroom, by the toilet, getting what we term "getting off."

Mr. Phillips. Could you tell the committee what "getting off" means?

Mr. Spinelli. "Getting off" is a term an addict uses. It simply means the injection of heroin into his arm or some part of his body. In this case it was the arm.

Mr. Phillips. Actually, these students were getting off, they were shooting up with hard drugs?

Mr. Spinelli. That is correct.

Mr. Phillips. And you were making an effort to buy drugs and something happened?

Mr. Spinelli. That is correct.

Mr. Phillips. Tell use what happened.

Mr. Spinelli. Also this teacher at this time, with another teacher, decided he was going to perform a raid on the bathroom. He followed, almost followed right behind my footsteps. If I stopped short, he would have, in effect, physically knocked into me, he was so close to me, in following into the bathroom initially before I went in.

He performed in his mind what he termed a raid and came into the bathroom. It was because of this incident that the sale at that time did not go down, as we term it, or be effected. He also took no action whatsoever insofar as the individuals in the bathroom, did not request their program cards. The entire bathroom reeked with the smell of marihuana. It was a normal place for them to go and smoke their marihuana cigarettes or to get stuff.

There were students in there at the time from another high school, who were also selling drugs there.

Many of these incidents were reported, but nothing was ever really done about it.

Mr. Phillips. You say there were seven sales that you made in addition to 25 or 30 others that you observed?

Mr. Spinelli. That is correct.

Mr. Rangel. Excuse me, Counsel.

Are you saying you believe the teacher really followed you in there to disrupt the potential sale that you were making?

Mr. Spinelli. That is correct, sir.

Mr. Rangel. I am sorry.

Mr. PHILLIPS. How old were the students who were selling these drugs?

Mr. SPINELLI. The students ranged from the age of—I believe it was 15 to 19 years of age.

Mr. PHILLIPS. In this particular case they were boys?

Mr. SPINELLI. Right.

Mr. PHILLIPS. In other schools you had girls, as well?

Mr. SPINELLI. That is correct.

Mr. PHILLIPS. And you had both black and white students involved in these sales, is that correct?

Mr. SPINELLI. That is correct.

Mr. PHILLIPS. And you had observed both black and white students, both boys and girls, taking drugs in those schools; is that correct?

Mr. SPINELLI. That is correct.

Mr. PHILLIPS. When these arrests were made at Susan Wagner, was this brought to the attention of the public?

Mr. SPINELLI. At that time it was brought to the attention of the public. An article appeared in the newspaper. As I understood, and from what the principal had told me at the time, he wanted to see that this would definitely have an effect on the student body and be well publicized.

I had some time finding the article in the paper. As I ascertained later from an individual that I know, who has a friend who works for the newspaper that published it, they were more or less instructed by the school to kill the story.

Mr. PHILLIPS. The school made some effort to minimize any publicity that might be given to these drug sales?

Mr. SPINELLI. That is correct.

Mr. PHILLIPS. You say as you operate you pretend to be an addict?

Mr. SPINELLI. That is correct.

Mr. PHILLIPS. Could you give a description of how you pretend to be an addict? What are the physical characteristics you display?

Mr. SPINELLI. It would be feigning possible sickness, in the way I act, the manner in which I walk, the general physical appearance that an addict would have, in the sense of being nervous or whatever. I really do not wish to go into specific details as to how the undercover agent operates, but this would be general knowledge.

If one were to observe an addict, on many occasions, you would more than understand the capacity in which we act, and what we would do.

Mr. PHILLIPS. Would it be fair to say that other students, teachers, and the school authorities in general, would be aware from looking at you that you were an addict, or pretending to be an addict?

Mr. SPINELLI. Yes.

Mr. PHILLIPS. When you moved around these schools, did you observe other students who appeared to be addicts?

Mr. SPINELLI. Yes, I did.

Mr. WINN. May I ask a question at this time?

When you were at these schools, were you enrolled in classes or participating in classes.

Mr. SPINELLI. Well, in some cases, yes. In Susan Wagner, because of the problems that had arisen, I felt it was best that I start attending classes to get in with the kids that were there. There were a number of other occasions which arose, which I felt this would be the best possible action to take in order to effect my capacity and to have the proper effect.

Mr. WINN. Do these schools have school nurses? Do they all have school nurses?

Mr. SPINELLI. I would believe so. In some way or another, most have some type of medical assistance that is available to them when they need it.

Mr. WINN. But you don't know if they have a full-time school nurse, or not?

Mr. SPINELLI. No, sir; I don't.

Mr. WINN. You don't definitely work with the school nurse?

Mr. SPINELLI. No.

Mr. WINN. Do you know if they have a monitoring system in the restrooms, both boys and girls, an adult counselor or teacher that is there full time, or part time?

Mr. SPINELLI. I would say that the majority of the schools that I have been in, associated with, or have knowledge of one way or another, that this is not the case, not a full-time monitor. Occasionally there may be one who may be there for an hour. It depends.

In Susan Wagner, I found out one of the situations which they dealt with in this related matter was to lock most of the bathrooms and only have a few that were accessible to the youth. They, in effect, would have a monitor there, but the monitor did not go into the bathroom.

Mr. WINN. They locked most of the restrooms?

Mr. SPINELLI. I found a good majority of them were locked.

Mr. WINN. Is that because they just can't cover that many restrooms and so they cut the numbers down. the percentages down?

Mr. SPINELLI. No; what, in effect, it really comes down to is that they are trying—they are aware of their problems—and they are trying, in a sense, to curb it, and this is one of the methods which they used to do so.

Mr. WINN. They can control a lesser amount of restroom facilities?

Mr. SPINELLI. Right.

Mr. WINN. But they don't use a monitor system?

Mr. SPINELLI. In some cases they do. In some they don't. I don't really believe all of the teachers could be available to do this. I really don't know. I couldn't state it as a fact. I can only tell you what I know.

Mr. WINN. Thank you.

Mr. BRASCO. Detective Spinelli, in connection with the schoolteacher who followed you into the bathroom, on that particular occasion he, so to speak, was attempting to "blow your cover"?

Mr. SPINELLI. That is right.

Mr. BRASCO. In your estimation, did you know, or were you aware of any reason why he took that attitude? Did he disagree with the philosophical point of view of having an undercover man in the school, or were the reasons something different, if you know?

Mr. SPINELLI. I would state in essence what you said was true, pertaining to the philosophical point, in the sense that I found in my interaction with these schools and with their officials, that many of them seem to adhere to the feeling or the idea that their job is solely the purpose of education and not of enforcement.

Many also don't believe that a child should be stigmatized with this reputation, if police action is taken and he is arrested for dealing in drugs, or whatever.

Mr. **Brasco.** Did you have any conversation with the principal or any of the teachers that knew of you, about this attitude of theirs; namely, what they expect anyone to do about student addicts?

Mr. **Spinelli.** As far as that goes, I cannot really state that I have knowledge of a teacher taking any affirmative action. Very few that I know ever have. In one instance I was in a class where in effect one of the teachers, in the course of conversation with the students pertaining to marihuana and how to roll good cigarettes, requested from the students what he termed to be a "paper" used to roll cigarettes, due to the fact apparently he didn't have any himself. He took this paper, took out pipe tobacco, began to crush it and instruct the children in the class on how to roll marihuana cigarettes in a good fashion.

Mr. **Brasco.** Were you in the classroom at the time?

Mr. **Spinelli.** Yes, I was.

Mr. **Brasco.** Was that in Susan Wagner High School?

Mr. **Spinelli.** Yes, sir; it was.

Mr. **Brasco.** Did you report that particular incident to the principal?

Mr. **Spinelli.** I did, sir; and all related incidents.

Mr. **Brasco.** Do you know if any action was taken in any event with respect to that?

Mr. **Spinelli.** I related that and even to confirm the feeling of what was going on; the dean of boys, himself, also stated that while he was in the hallway with me, this teacher happened to pass me on one occasion, as I was standing there talking with the dean of boys. Of course, the teacher wasn't aware of the capacity I was acting in; as far as he was aware I was a student.

But what had happened, prior to the day being there, 2 days before I was on another assignment in some other school, and I actually was there at the time with the dean of boys, explaining to him the reason for my not being there the past day or two. And this teacher, who I previously mentioned, the one involved with teaching students to roll marihuana cigarettes properly, the dean of boys stated to him, asked if this individual, by name, meaning myself, had been acting properly in the school. He said yes.

Has he been attending class—he used my name—and he said yes, every day. He says yes.

So the dean of boys was aware of the fact that this teacher was also covering up for the students because I had not in effect been in that school for 2 days.

Mr. **Brasco.** During your experiences in the school, have you had occasion to observe any schoolteachers using any narcotics?

Mr. **Spinelli.** No, I have never specifically observed a teacher using narcotics. I would definitely state that by their actions I would have to actually question whether or not they did, and by many things they did, themselves.

Mr. **Brasco.** You means from their physical appearance?

Mr. **Spinelli.** No, not necessarily from their physical appearance, which is not in the positive sense. More so from the positive sense, from what they said and the way they acted. As in the case of this one teacher who was also telling the students he used to get a half a pound of marihuana a month for nothing. People have been up in his apartment and the maid cleaning up found dope there and the needles there. He was telling students in the class, "If the police ever raided this place," he said, "I would be really in trouble."

Mr. Brasco. That was his own apartment?

Mr. Spinelli. That is correct.

Mr. Brasco. So, from the conversation of the teacher in the classroom, he was basically admitting to students that he does use narcotics?

Mr. Spinelli. That is correct, sir.

Mr. Brasco. Was your activity there cut short by the things you have described to us, or did you finish what you considered to be your business at the school?

Mr. Spinelli. Actually, what had transpired—initially I had gone in the school acting in the capacity of an undercover. The second day I was in there, a sale was made. Then I ran into a number of related problems, problems dealing with the teachers. In one case, one problem, which if you don't object, I will state now, as to the fact that the teachers knew who I was at the time.

I was leaving the cafeteria. In order to exit from this cafeteria to get to where you want to go in the school, if it is within that period, you have to give your program cards to the teacher there at the time, at the door.

You tell her that you are going to come back; if not, possibly one will escort you to some place within the school, whatever the case may be. In any case, this teacher had asked if I had a program card, and I said, "No, I don't, I don't have it on me."

And then it was asked of me, did I have any money, a dollar. I said, "No, I don't." I more or less had the typical arrogant attitude of a student. And at that time she said to me, "What is the matter, isn't the graft good enough," and started smiling.

Mr. Brasco. Do you know what she meant by that, or what she was driving at?

Mr. Spinelli. Yes, sir. Apparently at the time it would seem to me, in fact, she knew who I was, but didn't want to state it outright to me, but was definitely aware who I was. She, in fact, had gone out of her way to find out, because she had confronted the dean of boys, the dean of boys related to me later, and stated she had checked the school records and could not find a listing of me in the school.

Mr. Brasco. Detective, I do not want to take all of the time, but it has been my own observation that the board of education has taken the attitude that every thing is rosy in the schools, with respect to most of our schools, if not all of them in the city. Would you say that was a fair estimate of what the educators' position is, with respect to the problem in the schools?

Mr. Spinelli. I would say so, sir, from my own experiences.

Mr. Brasco. I am interested in all of the schools, but Franklin K. Lane in east New York, is in a portion of the district that I represent. I do know there were 14 arrests made there of direct sales by students to undercover men. I do know that Mr. Silverman of NBC was able to actually photograph these sales, which I had an opportunity to see, and the committee also, on film in Washington.

These sales were in the streets, around the ballfield, the entrance to the school, and it was so wide open that it would seem to me that it would be impossible to miss.

Mr. Spinelli. That is correct.

Mr. Brasco. And with that, I ask you specifically, about Franklin K. Lane, what is the attitude of the administration there?

Mr. Spinelli. Well, in talking with one of the officials of the school, I ascertained when I entered the school myself—I am sorry, following one of the undercover that had been in there, he had openly stated to me first of all, which I found to be a problem, some of the individuals attending the school were above the age of 21, between 21 and 25, and they were either, as he stated, veterans or individuals who wanted to obtain an education, or had been on welfare and were in the process of obtaining an education, and were allowed to attend that school.

I found that in this case, some of these individuals, adults actually in this case, had access to distributing narcotics to the students.

Now, while I was there in the capacity of an undercover, I cannot say I observed sales, because I didn't. But it was quite apparent why not, because of the prior activity that had taken place there, and all of the coverage by the media, the kids in a sense were running scared.

Quite a few that I know in some cases, where I talked with some of them, either talked or overheard conversations, they openly stated as one had talked about it, he couldn't wait until September comes back, when he could start dealing again without fear of the man being around.

The "man" in this case being the police.

Mr. Brasco. With respect to Franklin K. Lane and the other schools, my own opinion—and I know a number of others, but I wanted to get some firsthand impressions—is that there is a direct relationship between the drug abuse problem and violence in the schools by virtue of the abusers taking money from other students and then the same violence and crime spills out into the street. Did you see any evidence of that in Franklin K. Lane and the other schools?

Mr. Spinelli. I did see in one case, in Franklin K. Lane, within the time period I was there, an assault that had taken place. I don't know the actual reason why it had taken place. But it was quite apparent—there was somewhat of a hostile feeling in the air among these kids, and either because of their inability to obtain drugs within the school—because in Franklin K. Lane, during the periods of school, they are actually confined within the premises of that school, the gates are locked, you cannot get out. It is like, in effect, a prison system, in order to keep the students within the school premises.

Mr. Brasco. Let me ask you this last question, because I know my colleagues have a number of questions, also.

It has always occurred to me that with schools where you have a student who has either measles, smallpox, TB, or any other communicable disease, you keep them out of the school system and away from the healthy children, so you do not spread this disease.

Mr. Spinelli. That is correct.

Mr. Brasco. It seems to me that particularly among heroin addicts and, of course, those who are addicted to either barbiturates or amphetamines, you are dealing with something we have not found a cure for and it is high communicable.

Mr. Spinelli. That is correct, sir.

Mr. Brasco. From your observations, do you want to make any recommendation as to whether or not we should allow those who are identified as drug abusers, in the sense of being addicted, to remain in the healthy school population, or attempt to separate them?

Mr. SPINELLI. My personal feeling here would be that the only recourse they actually have, to in some way or another have affirmative action to act on, would be to take the users and sellers and not allow them back in the schools again.

Mr. BRASCO. My colleague, Mr. Rangel, said that is about 90 percent of the students, from your figures, but I assume that in the figures, if I heard you correctly, when you were talking about 90 percent, you were talking about people who were not all addicted. But many who were experimenters?

Mr. SPINELLI. That is correct.

Mr. BRASCO. Who were using soft drugs. I am talking about those who are hard-core addicts.

Mr. SPINELLI. That is correct.

Mr. BRASCO. What percentage do you say of those, in your own estimate?

Mr. SPINELLI. Of hard-core addicts in all of these schools generally?

Mr. BRASCO. Yes.

Mr. SPINELLI. It would be a little hard, you would have to take almost each school individually. But within Franklin K. Lane, roughly, I would have to estimate there were 20 to 30 percent hard-core addicts.

Mr. BRASCO. And the very last question: Is it your experience that the hard-core addict is always seeking to introduce somebody else to drugs?

Mr. SPINELLI. Definitely.

Mr. BRASCO. Into drug addiction, for their own benefit in terms of monetary gain?

Mr. SPINELLI. Definitely. For a very simple reason. Because this addict knows that he has to, in effect, have a monetary gain in some sense, no matter how he gets it, in order to purchase drugs, whether it is stealing money, or whatever.

In this case he has a wide resource, students who he can drain on, in effect, to get what he wants. Because he may be termed in one sense what we call an "angler," he will go out and because he will do a favor for someone to get something, even though the individual he is getting it for is not knowledgeable of it, the individual who sells it to him will give him something on the side.

Mr. BRASCO. I also heard at K Lane there was very distinct evidence there is a highly organized recruitment program in terms of the sale of drugs, recruitment even to the extent that there are elements of organized crime involved in the flow of the drugs to the point where it gets to the school and then to the students. Could you comment on that, detective?

Mr. SPINELLI. Yes, sir; it is my own feeling from cases that I have worked on, not just taking Franklin K. Lane, speaking generally about schools, in operations I have worked on where I had personal knowledge, and it was the intent of the individuals who were distributing these drugs that they would go to schools, with pills, or whatever the case may be, they would be directly sent down to the schools.

I have had occasion to work on higher levels, much higher levels than schools, with organized crime, and regardless of what these people, these persons, their individual capacities would be within organized crime, or what they specifically would do, the individuals under them would receive this. And I know, in personal instances, where people would receive it and it would be distributed to schools.

Mr. BRASCO. Getting back to Lane, I understood there were some people who supposedly were rather large pushers in that vicinity. Did you have any experience with that?

Mr. SPINELLI. I do know from my own experience, as I was stating before, these individuals who within the school, who were over the age of 21, take an active part in this. They may not necessarily push the drugs, themselves, but distribute them among the students who will sell the drugs for them.

This, in my mind, I would deem definitely an organized effort.

Mr. BRASCO. Do they use female students in the recruitment program?

Mr. SPINELLI. Yes; because what has happened, because of the concerted effort of the police department in trying to curb the abuses of drugs, shall we say, the pushers, themselves, have become more wise and they are in effect allowing the girls to carry the drugs on them. So that the only time they are really apprehended for anything, of a serious nature, is for a sale, the only charge you could really get them for, because as far as possession or seeing someone doing it, you cannot search the girls, they would have time to get rid of it. Even if the police officer actually observed the sale and knew where it is coming from, it is possible between the time she was processed, or searched, she could get rid of what she had. They are used quite frequently.

Mr. BRASCO. In your opinion, has anything materially changed at Franklin K. Lane from the point of view of the arrests and your being in the school?

Mr. SPINELLI. I have to answer that in two ways: One, yes; drugs have subsided, only to the point that the children, themselves, or the kids involved in the school are running scared. They would like to spend the summer not going to court, not being confined in jail. What they do now is go outside the school premises, as I was directed to do, in areas surrounding the school, to purchase narcotics or whatever I wanted, or to use narcotics.

Even the addicts, themselves, I only saw a few there actually engage in the process of using it.

Mr. BRASCO. Thank you.

I just want to commend the detective. I hope we can come back to ask some more questions. I can appreciate your apprehension, not wanting to be identified or photographed. It is a very dangerous situation. You are to be commended for being here.

Mr. WINN. Would my colleague yield?

Mr. BRASCO. Yes, I yield.

Mr. WINN. Thank you.

I wanted to ask two questions on the Franklin K. Lane school. You mentioned that the students were running scared, and I am trying to figure out in my own mind why the students are running scared when no one ever seems to do anything about the situation down there.

Mr. SPINELLI. Well, it is not that they are afraid of the teachers in the schools, they are afraid—they are not really aware of the procedures which are used to bring in an undercover and the fact the school has to cooperate and so forth and so on.

They don't know whenever there would be an undercover in there, and they are assuming that because there have been undercover activities which have been publicized, that they are still in the school.

Mr. **Winn.** I see. You say that the doors and the gates are locked and the students are locked in?

Mr. **Spinelli.** That is correct.

Mr. **Winn.** This is so, I guess, they cannot leave and go make a purchase and come back?

Mr. **Spinelli.** That would be one of the reasons.

Mr. **Winn.** You also mentioned the fact there were outsiders there, from the ages of 21 to 25?

Mr. **Spinelli.** Excuse me, sir. Not outsiders. They are students going to the school, who are allowed to go to this school.

Mr. **Winn.** You referred to them as veterans in your statement earlier, and it might have been at Susan Wagner school where you said in the restrooms there were students that were not in schools at all.

Mr. **Spinelli.** That is correct. You find it at all of the schools, where the students from other schools or surrounding areas come in and sell drugs.

Mr. **Winn.** They do not have an identification system of who is supposed to be there, except the program cards? They don't have an I.D. badge around their neck?

Mr. **Spinelli.** No, sir. To be quite frank, I found myself, in my own personal experience, what happened at that school was that the other students, I could count the number of times on one hand I have seen teachers asking for their program cards, while I have been asked as many as five or six times in 1 day.

Mr. **Winn.** I understand that in your case. But a program card is something they have to carry with them, it is not a neck piece?

Mr. **Spinelli.** That is correct.

Mr. **Winn.** It is not something they have to wear around their neck like we are requiring some people here to do?

Mr. **Spinelli.** That is correct, sir.

Mr. **Winn.** Thank you.

Chairman **Pepper.** Mr. Rangel.

Mr. **Rangel.** Judging from your testimony, there is not only a lack of cooperation between the teachers and the police department, but there is also a great deal of hostility toward law enforcement. Is that a correct assumption?

Mr. **Spinelli.** To a degree; yes, sir. To a degree, it would be. It is a factor that has to be taken into consideration because these people, instead of working in a concerted effort together, tend to separate themselves.

The police on many occasions, I know, myself included, have tried to, in effect, get the cooperation of some of these schools and could not. They will tell you quite frankly, we are administrators, not enforcement people.

Mr. **Rangel.** So in order for you or any other team to go into a public school, you, in fact, have to receive permission in advance before you go undercover?

Mr. **Spinelli.** Well, I always do act in the capacity of an undercover, but for myself to go into that school I would have to receive permission. Likewise, so would the team. They would be the ones that would initially take care of the matter at hand, after discussing what the procedure would be if there is a related problem pertaining to narcotics or whatever. That is where the decision is initially made to come into the school, and following that they would bring in an undercover if it was agreed they should.

Mr. **Rangel**. While you would be the undercover, how many other team members would there be and what role would they play?

Mr. **Spinelli**. They are the officers who are used to effect the arrests on the individuals I would have purchased drugs from.

Mr. **Rangel**. Do they specialize in dealing with the student-pusher-type of narcotics problem?

Mr. **Spinelli**. It is a necessity they do so in order to be knowledgeable individuals as related to this problem. You cannot limit yourself solely to just dealing with students because, as such, you would in effect limit your own capabilities and in the long run limit your own mentality as pertaining to narcotics.

Mr. **Rangel**. To put it another way, how many teams would you believe would be at least qualified and able, or presently working, doing this type of undercover work, in order to find out just how deep the problem is in our school system?

Mr. **Spinelli**. All of the teams within the narcotics division under the organized crime control bureau are assigned schools, not just the team but each individual member has a school. Some members have more than one school. It is his job during the course of a month to be in contact by phone or in person with these people, officials of the school, drug coordinators, principals and assistant principals, and to discuss their related problems and what can be done to curb them. The officer will relate observations which he has made during the course of a month, or on a number of occasions, and from there the decision is made as to whether or not they feel they have a problem, the school, now, if they feel they have a problem. If they want an undercover, an undercover will be brought into the school.

Mr. **Rangel**. So you do have a sufficient undercover if the school decides they have the problem? What can you do, if anything, if the team decides the school has a problem?

Mr. **Spinelli**. Well, I have operated in that capacity because of a limitation by the school officials. In one case, I was in John Jay in Brooklyn, I operated outside the school, outside the building itself, where there were pushers.

Mr. **Rangel**. But you could not operate within?

Mr. **Spinelli**. No, sir. Without the proper credentials—in this case because the doors were guarded and I was stopped—I couldn't have access to that school, although I knew where the drugs were being sold.

What had taken place there was that in the latter part of 1971 I had sales there. We were presently conducting operations within that area, with that related school. This information was related to the principal of that school, and also other observations which had been made by the undercover, in this case being myself.

And other problems which existed. He seemed to feel that they did not have a problem and he denied the request by the team to have an undercover come into the school. But I did have two sales prior to that, outside of the premises of that school, right outside the door.

I was instructed over the course of my period of time there, by other addicts that I had interaction with, who were students in the school, that if I wanted to purchase drugs to go inside the school on the second floor and I could obtain what I wanted. They would go so far as to tell me which periods to be in school, and so forth. This was related to the principal of the school.

Mr. **Rangel.** Without the consent of the principal, the school could be a sanctuary for drug pushers? The police department would not go inside the school without permission?

Mr. **Spinelli.** That is correct, sir; to an extent. The extent being that the police department tries to act in a cooperative manner with these people, because many problems can arise. As we have seen in the case, if there wasn't cooperation, with that one student in Brooklyn who was killed in that school. No doubt many problems would have arisen out of that situation if the police did not go in there with the permission of that school.

Mr. **Rangel.** I can fully understand that, when you are operating in that sensitive role as an undercover agent.

Mr. **Spinelli.** Excuse me, sir. It is not just in my capacity in this case. You have to understand that many pushers carry guns for their own protection, to prevent what we term being "ripped off." In other words, robbed for the narcotics which they are selling.

As in the case of John Jay, I had occasion on that day to witness an individual who was in possession of a weapon.

Mr. **Rangel.** Do you know whether there have been any discussions on a higher level between, say, the United Federation of Teachers and officials of the New York City Police Department, to attempt to work out some working agreement where the teachers can depend on the availability of policemen to enforce the law within the schools and the police officers can in turn expect some degree of cooperation from the school officials?

Mr. **Spinelli.** I am not aware of any specific attempts by either the department or board of education to get together, but I am aware of this one fact. Myself, and other members of teams and other undercovers, these team members have sons, they have boys, they have girls. They are concerned, regardless of what their feelings may be. I think this is a problem that we are all concerned with.

They know even though they are operating in an area, in a school that their children may not go to, they are also aware of the fact they know another team may be operating in an area of a school that their boy or girl is going to. They don't want them to be subjected to this. They don't want them to be mugged, robbed, and, in effect, have pushers trying to sell drugs to them or induce them to use drugs.

So, as far as the police in general, as related to this, with the narcotics men, this is from a personal view and I know they do hold this feeling. I hold it myself.

Even in the case of John Jay, we could have just forgotten about this whole operation, but it was our feeling, not just as police officers, we were concerned personally, too, because this problem is getting way too out of hand and the public in general does not realize, unless it hits them in their own homes, how bad this problem really is.

Mr. **Rangel.** Is it safe to say your effectiveness would be increased if while you were going about your day-to-day work, you felt there was some cooperation between the board of education and the UFT and the police department on a higher level?

Mr. **Spinelli.** Definitely.

Mr. **Rangel.** Have you been able to follow through on the investigation of any of the schoolteachers who have advocated activities related to drug abuse? Have you found, among your colleagues, or yourself, that you have had any arrests at all in this area of schoolteachers involved in it?

Mr. **Spinelli.** Yes, sir. But at the present time, because of investigations that are pending, to reveal that would be ——

Mr. **Rangel.** No, I just wanted to know generally. You have found that?

Mr. **Spinelli.** Yes, but not necessarily personally, myself, in all cases. We have related instances of things we have learned, and from that level, I, acting in the capacity of an undercover, have a tremendous source of information available to me which I can relate back to the team members, since I don't make arrests. I always act in this capacity and I can relate this back to team members, who, in turn, can take action on it. And in all cases they do. I have never seen a team not do this.

Mr. **Rangel.** But we are saying we do have some teachers, regardless of how few, that are drug abusers and perhaps drug sellers?

Mr. **Spinelli.** As was asked of me before, I do not have personal knowledge, specifically, of seeing a teacher using drugs. But, in effect, just to relate back to Susan Wagner, what this teacher was saying was, in effect, that he was a user of a narcotic and had friends who were using narcotics and dangerous drugs.

Mr. **Brasco.** May I interrupt?

Mr. **Rangel.** Yes.

Mr. **Brasco.** I think what Mr. Rangel is asking, Detective, is whether or not there have been, that you know of ——

Mr. **Spinelli.** Oh, yes; definitely.

Mr. **Brasco** (continuing). Teachers arrested for using and selling.

Mr. **Spinelli.** Definitely.

Mr. **Brasco.** And in your words, whether or not there are some investigations going on with respect to teachers being investigated for using and selling at this moment.

Mr. **Spinelli.** Definitely. This problem is attacked from all levels and in this case, as in Fort Hamilton sometime ago, when those schools were raided, at that period of time there was a teacher who was arrested, and others that followed since then, because of their activities in selling or distributing narcotics.

Mr. **Rangel.** Thank you very much.

Mr. **Winn.** Of the individual teacher in Susan Wagner School, since you don't know—and I don't mean to be defending any teacher that might be using or selling drugs—could that teacher have been trying to be the "good guy" to talk about having these drugs in his apartment, and what might be found there, just to try to get in with the kids, sort of relate with them?

Mr. **Spinelli.** I have worked intensively with these people for a long, long time, and if someone wants to relate to children, they don't have to do it by telling them that in fact they are using or that they are receiving drugs. This is not the way to solve the problem. If that is the case, we could go out and send people into the schools and on this basis, you know, try and take action. You would never achieve anything.

What you are in effect saying is that the individual who is dealing with them, supposedly an intelligent person, because he uses drugs, this in a sense affirms their belief more that what they are doing is right.

This is the biggest problem today in these schools. These children have their beliefs affirmed by these teachers that in effect what they are doing is right. They are allowed to use abusive language in class, they can get up and walk out, they can do whatever they please, and no action is taken.

Now, I have to say this in all fairness. I can understand in the case where many teachers fail to take action where they are afraid for their lives. I have to admit that. But in the same sense, I have seen numerous teachers who have seen sales going down and have done absolutely nothing about it. I can relate one instance where I was in a school with one student and this individual was what we would term "stoned" out of his mind. It was on marihuana. There was a teacher walking down the hall, it was too late, he had observed us already, had seen us. I was in effect telling the individual to take it easy, quiet down.

He said, "Don't worry about it." The teacher all of a sudden whips open his book like he is reading something, and keeps walking down the hall.

It happened, because the individual being in the condition that he was in and not actually being able to stand up straight when this teacher was passing him, he fell against the teacher and the teacher said, "Excuse me," and walked away.

Mr. Winn. He did not want to issue a reprimand?

Mr. Spinelli. Definitely not.

Mr. Winn. Some of these teachers, both men and women, I gather, do fear for their lives?

Mr. Spinelli. In all fairness.

Mr. Winn. From pressures from the students?

Mr. Spinelli. In all fairness, yes. But again, this is a circumstance I feel has been created overall through the court system's ineffectiveness of certain actions that could have been taken against them.

Mr. Winn. I yield back the rest of my time.

Mr. Brasco. Detective Spinelli, tell us, if you know, what happens if a teacher does see a student who obviously has had some drug and is acting in such a way he clearly shows it? As you indicated, stoned out of his mind. What action, if any, does a teacher take? Send them home, send them to the nurse?

Mr. Spinelli. From what I understand from these students themselves who have been involved in this, if they are reported, it is not for the purposes that they are either addicted to drugs or using, or in this case, stoned at that time, it is usually passed off as being "sick" and they are sent home or their parents notified.

Mr. Brasco. You are afraid when you go into these places, are you not?

Mr. Spinelli. I would be a liar to say no.

Mr. Brasco. The reason I say this, I hear so much of this business of people being afraid as basically a reason not to want to do their job. The detective has a job, and like most of us, at times we experience fear, but he does his job.

Mr. Winn. And you are unarmed.

Mr. Brasco. Including the teachers. If they are so afraid, they ought to get up en mass and say that. Maybe that would be the beginning of starting to solve this problem, rather than having this business of fear as an undercurrent which allows everybody to look the other way when an act of violence goes on, or drugs are being sold or used.

As a matter of fact, we have had information that in Lane there were teachers assaulted who refused to come forward to make any complaint that they were assaulted. Is that correct?

Mr. Spinelli. That is correct, sir.

Mr. Brasco. Go ahead, Mr. Phillips.

Mr. Phillips. Officer, could you tell us essentially, in relation to John Jay, about how many addicts you found, what the percentage would be?

Mr. Spinelli. I would say in John Jay the percentage is much higher. I would have to estimate—and I feel this would be a conservative estimate—based on my own personal knowledge, the knowledge of the teams and the addicts I had interaction with, I would have to say between 40 and 50 percent of the students in this school were hard-core addicts.

Mr. Phillips. That was a bad situation?

Mr. Spinelli. Yes, sir.

Mr. Phillips. Would you tell me about how many men or students were dealing in that school, that you know of?

Mr. Spinelli. I would have to say they would have a minimum of 20 to 30 pushers within—we have to speak in terms here—not just pushers dealing directly themselves, but you also have what is termed as "angler." These are people who are addicts, who push themselves—not push themselves, I am sorry—will steer people, or as we term "turn people on to the pusher" and in return get something.

He in effect acts, also, in concert with the pusher. So if you are looking at it from that point of pushing, the numbers would rise once more.

Then you have to include the girls which would be used to carry the drugs. All of those who would act in concert in one way or another.

Mr. Phillips. In substantial number?

Mr. Spinelli. Yes, sir. Correct.

Mr. Phillips. Could you tell us what type of drugs you found were on sale in schools?

Mr. Spinelli. Well, in a case like in Fort Hamilton where at the time I was assigned with a team acting in the capacity of undercover to cover an undercover female that was in that school, basically what was sold there at the time—this was approximately 2 years ago—were pills. You had at that time also hard drugs within the school, but it was initially being introduced. We were more or less in an interim period. Then within all of the schools, the problem, since no one was doing anything about it, really, was picking up and they were getting more access to hard-core drugs, hard drugs from the outside. People were beginning to push them in the schools.

Mr. Phillips. Just take Fort Hamilton. What is your estimate of the number of pushers operating in Fort Hamilton?

Mr. Spinelli. The pushers arrested for Fort Hamilton were exactly eight people. There were many more than that which could have been gotten, but, at least, there were eight that were arrested.

Mr. Phillips. And they were boys and girls; is that correct?

Mr. Spinelli. That is correct.

Mr. Phillips. The ages were roughly 15 to 19?

Mr. Spinelli Also correct.

Mr. Phillips. And all white?

Mr. Spinelli. That is also correct.

Mr. Phillips. What were they pushing, what type of drugs?

Mr. Spinelli. Mainly pills, I think.

Mr. Phillips. Were large amounts of drugs sold in these schools?

Mr. Spinelli. Yes, they are in schools. I know that I have had occasion, if I wanted, to purchase a pound of marihuana. You could buy a bundle of heroin, as in the case of Fort Hamilton. You could have bought bundles of heroin.

Mr. Phillips. How much would a bundle cost?

Mr. Spinelli. It depends, sir. They refer to them, that is glassine envelopes, refer to them in terms of nickel and dime, $5 and $10. So it depends on whether it would be a bundle of $5 bags or a bundle of $10 bags. But a bundle is approximately 25 bags. Sometimes you have a pusher or angler pusher will skin one or two off the top and sell the two. But if its $5 bags, it ranges between $40 and $80.

Mr. Phillips. You could purchase $40 to $80 worth of heroin at this school?

Mr. Spinelli. That is correct.

Mr. Phillips. Describe the nature of the pills on sale.

Mr. Spinelli. All the pills that you would find there refer to a number of different types, everything from "football," to "yellowjacks" to "Seconals," to "Tuinals." The kids are not aware of the exact chemical makeup of them. They know what they do and this is primarily what they are concerned with.

Mr. Phillips. What is a "football?"

Mr. Spinelli. It would be in this case an amphetamine.

Mr. Phillips. And you say Seconal, Tuinals—Nembutals. How about acid?

Mr. Spinelli. Yes. Especially today, more so than in the past, you find many of the students, particularly in the colleges, are becoming more educated in how to make it themselves. It is much more readily available.

Mr. Phillips. How about methadone?

Mr. Spinelli. Methadone is also available in the schools, which is sold.

Mr. Phillips. Methadone is being sold, not to treat people, but actually to get high on, in schools?

Mr. Spinelli. That is correct. Many addicts I have worked with—I guess the best way is to give a typical example. Using actual circumstances I have had in dealing with these people, where I witnessed it myself, if you take two addicts, one using methadone in a liquid form and one in the pill form, if they interchange the type of methadone they have, they can actually get high from this.

Also, if they, through the black market, purchased methadone in excess of the milligrams which they would receive, if one addict was receiving 40 milligrams, or whatever the case may be, if he increased the dosage he could get high on it.

Methadone in itself is only a substitute. It is a substitute for heroin. But in effect, I don't really find it is doing anything, because, again the individuals I have worked with, and I have learned this from them, from what they have told me, that their feelings actually don't change. They will use methadone only because initially it gets them out of trouble. By this I mean they could be arrested for a crime. After they are examined, found to be addicts, sent out, possibly to a program, they will stay on the methadone and use it in this way, and still in a sense obtain the same effect by using heroin. I have known addicts who have told me that while even using methadone they could still "get off" with heroin.

Mr. Rangel. Let me ask a question. When you say liquid form, are you talking about taking methadone orally or injecting it in the vein?

Mr. Spinelli. Orally, sir. In a liquid form.

Mr. Rangel. You mean mixed?

Mr. Spinelli. That is correct. With orange juice.

Mr. Rangel. You observed addicts getting high using a crossover between the methadone pill and the methadone that has been mixed in some other liquid?

Mr. Spinelli. My experience is that I have seen them take it. They state that one uses pills but this is a common thing. Because I know myself in the course of my actions in the capacity of an undercover, I will go out to purchase or be purchasing methadone in tablet form, because I am passed off as being on the methadone program and that I use it in a liquid form, and they in turn will sell me a tablet form which they know I can get high with. And I state how many more milligrams I need and they in turn will accept this.

Mr. Rangel. This committee has heard testimony that you cannot really get a high off methadone unless it is reduced to a form that could be injected in your vein. Does your testimony contradict that?

Mr. Spinelli. Yes, sir. From what I learned, it does.

Mr. Rangel. Thank you.

Mr. Brasco. So I understand it completely, my recollection was that of Mr. Rangel's, that if you had methadone and you were able to reduce it to liquid form, you could inject it and get the same high as you would from heroin. Would that be a fair statement?

Mr. Spinelli. I could not testify to that medically, but from my observations, I would.

Mr. Brasco. Again, getting back to Mr. Rangel's question. If one takes methadone orally can he still can get a high from taking increased dosages?

Mr. Spinelli. That is right. Methadone is usually used orally.

Mr. Brasco. The doctor seemed to indicate to us, to the best of my recollection, if you take it orally you don't have the same kind of euphoric effects you would get from heroin.

Mr. Spinelli. That is not my observation. Maybe I could give you an example. For quite some time it has been the observation of many medical men, by treating addicts either with chemicals or whatever, this is the only way they can actually get them to abstain from using drugs. There is a recent study done in Lexington, Ky., by the Public Health Service Bureau, by a professor from Harvard, which after 20 years they are finding that the individuals who have been confined and after being confined for a long period of time, and after being confined might be under strict parole, this is the only thing they found that can in a sense actually curb the drug user.

The reason why I give this example is, for so many years it has been the feeling that confinement is not the answer, but they have proven that it does serve.

So in this case I have heard numerous medical opinions pertaining to this and in the drug field we have many related opinions given by people which don't have to be fact.

Mr. BRASCO. In this field, I have found overnight a number of people have become instant experts with respect to drugs.

One of the discussions now under consideration and raging is the question of legalizing marihuana. Now, from your experience——

Mr. SPINELLI. My favorite topic.

Mr. BRASCO (continuing). From your own experiences in the street, can you give the committee—I suspect you have a lot more experience than some of the fellows who are writing all of the books on it—your opinion as to whether or not you would agree with legalizing marihuana as a step toward solving some of the problem?

Mr. SPINELLI. I would definitely agree that marihuana should not be legalized. And I, if I may, I will state why.

I look at this from an objective point of view. It is true that a police officer may look at things somewhat from the point "I am an enforcement official," and this is it. But in this day and age I feel I have a broad enough mind and I examined it from many different aspects.

I feel in this case I have a little more rounded education as related to marihuana, I have read extensively on it, and read the white papers on it from La Guardia's time, excerpts from time to time on it, recent commission reports on it, and had many dealings with users of marihauna in the street.

To explain something, and not get off the point, an addict uses heroin initially either for kicks or because he has a problem. The same thing exists with marihauna. It is an introduction to heroin. After a period of time of using it in this case now as the example I am trying to bring out, heroin, he may use it for 1 day, not use it again for another week or whatever. An occasional user will not necessarily right away become addicted. It depends on whether or not he is presented with some type of problem within himself personally or otherwise.

But I find with marihuana the same problems, same circumstances exist. Of course, it is not physically addicting I don't believe. Neither is cocaine. I believe it comes more along the mental lines. I have observed, myself, that individuals who use it initially may start with one type.

There are many types of marihuana. You have what they call "Acapulco gold," "Chiba Chiba," which is a marihuana soaked in formaldehyde. There are many types or brands available to the general public who would want to use marihuana. Wherever marihuana is used initially, they find as they go along when using this, that after the effects of it wear off, by using that same type, they do not necessarily get the same effect. So they have to go on to something stronger.

I found that these individuals who are presented with problems in one form or another, regardless of how minor, over a period of time using it and stopping and using it again, just like heroin, each time they come out of that somewhat utopian feeling they get out of it, or euphoria, even with marihuana, their problem which existed at that time becomes more complicated, more serious.

The same thing with the heroin addict, the same thing exists.

Mr. Brasco. Not to interrupt you, but you said something that was very interesting and that is why I wanted to stop you. You said it is sort of like a vicious cycle in your opinion, that someone may use a drug in an attempt to escape a problem they believe they have.

Mr. Spinelli. That is correct.

Mr. Brasco. But by using the drugs it so alters their position mentally and physically, the problem they are running away from only become magnified.

Mr. Spinelli. That is correct, sir.

Mr. Rangel. Would the gentleman yield?

I am sorry you opened up this can of worms, but you are saying there is a pyschiatric need for a person to go to hard-core drugs; is that correct? It is not based on the fact marihuana is addictive?

Mr. Spinelli. That is correct, to an extent. The individuals who usually begin using any form of drug—let's face it. As an example, if all of us right here began to use marihuana and did it possibly over an extensive, long period of time, I doubt very much we would become addicted to it mentally, definitely not physically and definitely not mentally. I assume all of us here are well adjusted to some point we will look to other sources to resolve our problems and not fall back on something else.

Mr. Rangel. But you are just knocking out the argument that pot may resolve all of the problems we have.

Mr. Spinelli. If you want to keep using pot, it would.

Mr. Rangel. Right. So it wouldn't necessarily follow we would need any new law on it.

Mr. Spinelli. As I started to explain, if I may continue: In this case, as I said, the individual, the particular type of pot in general he uses, after a period of time the initial effect created wears off. It doesn't have the same effect. I don't means wear off, after a period of time the effects disappear. I am talking about even in the beginning. He has to have stronger dosages. The stronger dosage of marihuana in the form of a cigarette.

This is why they would move from different types, from Alcapulco Gold to something stronger, to Chiba Chiba, soaked in formaldehyde, and after that a psychological dependency seems to be created.

The same thing with cocaine. And they move on to heroin.

Mr. Rangel. A tragic thing in my community is that there is no beginning with marihuana, but there is a beginning on hard-core drugs. I just have not seen any medical testimony to support that there is any more of a logical followthrough from marihuana to hard-core drugs than there is from cigarettes to marihuana to hard-core drugs.

Mr. Spinelli. I understand what you mean. You have to consider the area that is available to them. And if we are going to say, to be quite frank, a white area, these kids have access to marihuana, and this is what they usually use, or pills. But the same result comes about.

Mr. Rangel. I would agree with you. If we were saying an individual was looking for kicks, and marihuana was more available than hard-core drugs, then certainly he would go to that and still search for something else.

Mr. SPINELLI. The availability has something to do with it.

Mr. RANGEL. The availability rather than the fact.

Mr. SPINELLI. Correct.

Mr. BRASCO. You mentioned psychiatry, the psychological effects. In all of the programs you have had an opportunity to see, is there any stress laid on psychiatric treatment, or is it just minimal?

Mr. SPINELLI. I would say it is very minimal. Because I don't think that the courts, themselves included, in trying to do something about the problem of addiction, have really done anything in this sense; because you take an addict and you lock him up, it is absolutely no good for him. His problem stems usually from a related mental problem, something psychologically that is bothering him. Whether the problem was small initially to start with, regardless, it makes no difference. The problem is still there.

In my course of interaction with addicts, this is what I found to be a fact as related to me by them.

Mr. BRASCO. So you are saying, unless we introduce to a greater degree psychiatry in the situation, we are wasting our time?

Mr. SPINELLI. That is correct. That would be one of the possible answers.

Mr. WINN. Isn't there a certain percentage or a high percentage of these students, for instance, who just want to do this to get a high, just for the kicks, just because their peers are doing it?

Mr. SPINELLI. That is true, sir. This does come about, but what in essence it breaks down to, even this alone helps to create an addict in the long run.

Mr. WINN. I agree with that statement, but we keep talking—and I am sure there is a high percentage of these kids who do have problems—and we talk about psychiatric care and all of that. But isn't there also a percentage, and what the percentage might be I don't know, of those just doing it to get high?

Mr. SPINELLI. You will find a percentage, but what I would deem, from my own findings and what I have learned, that they may do it initially, or a few times to get high, but actually the percentage that stops is very small. At least from what I found in my own personal experiences.

Mr. WINN. That stop on their own after they have been high two or three or four or five times?

Mr. SPINELLI. Right. And they find they can actually do without it, they don't want it.

Mr. WINN. Very few stop?

Mr. SPINELLI. That is true, too. Take for instance, in the case like Susan Wagner or Franklin K. Lane, these high schools. They are not afforded the possibility of seeing people who are actually hard-core addicts and the degradation that they, in effect, have to live with. While in the past, as Congressman Rangel mentioned before when relating about different socioeconomic aspects of it, and the availability of it, I would say that up in an area where he is a representative of the people, it is a totally different situation there, as related to one like this. People see, they know, they are fed up with it. And you cannot blame them because this has become more than just a disease, it is like a multiple of diseases that just can't seem to be stopped.

But some affirmative action has to be taken now because the problem is now resting in our schools and it has become very bad. When we stop and think, and I, myself, now feel that these kids will eventually come out to be our representatives—the best way to put it to you is simply this: I don't want to ever have to sit here and talk with individuals in any capacity, regardless of whether it is in a hearing committee or anything else, and know the majority of them are stoned at the time. That is exactly what it comes down to.

Mr. WINN. If we legalized marihuana, then a high percentage of those that are smoking legalized marihuana, under those circumstances, would then want to get the higher kicks, so they would go to the hard drugs?

Mr. SPINELLI. That is correct. That is what eventually it would most likely come to, because it seems to be a psychological breakdown, even with the use of marihuana, at least from what I found in my own experiences, as I went along with these people, and what I could see.

It is a breakdown that comes about psychologically and there is nothing you can do about it, and that is it.

It is not a question like drinking. You and I know we go to a bar and have a drink, stay there, drink to our capacity, and that's it.

I must admit people do it for psychological reasons, even drinking, but it has, from what I have seen, a totally different effect on people. And my own personal opinion, and as I said, it is my personal opinion, I do not believe marihuana should be legalized.

I think, getting back to what Congressman Rangel was talking about before, he, of all people, is probably more aware of the problems of narcotics in his area and things his own people have been subjected to because of narcotics.

Mr. WINN. Do you know anything good about marihuana?

Mr. SPINELLI. Sir, aside from the fact it gets you high, no.

Mr. WINN. Now these addicts, or drug users, are extremely smart in some ways. They know all of the gimmicks and everything.

Mr. SPINELLI. That is correct. All of the ins and outs.

Mr. WINN. But at the same time, some of the same ones, as I understand it, that are the smart people in that field, they will buy darn near any kind of pill if somebody gives it to them, as you say, a "football" or something else, if they think it is going to give them a high. So they are not so smart because some of those are damaging.

Mr. SPINELLI. That is correct. There have been actual cases in the use of heroin, the purchaser doesn't give two hoots about what he is selling, or what he cuts his heroin with. They have been known to do it with strychnine. They don't care. I have my own personal feelings about it, to be quite frank, but the courts have not at all taken an affirmative stand with them, even large major pushers.

I have seen in a case only recently, one case I was involved with, a man in a multimillion-a-year operation, and the bail these individuals were put on was very minimal and they could take off with no problem whatsoever, not even worry about it. Of course, the money they made, this is the prime mover here.

I know, myself, when operating with these individuals, there is always one premise which I operate on. That is greed. They will do anything for money. It means nothing. Life means nothing to them.

In fact, these individuals are taking the lives of children and many other people by their actions and what they do, and they should deserve to receive much more punishment than what they do now.

Mr. WINN. I think that is true and this bears out what happened to the so-called peace demonstrations down in Washington a couple of years ago. There were thousands and thousands of young people and the pushers were there pushing off anything they could get their hands on to some of the young people, including rat poison.

Mr. SPINELLI. That is correct.

Mr. WINN. Thank you, Mr. Chairman.

Chairman PEPPER. Mr. Mann.

Mr. MANN. You made several arrests at each of these high schools?

Mr. SPINELLI. It was eight at Fort Hamilton.

Mr. MANN. And most of them were for pill pushing, you say?

Mr. SPINELLI. No, sir. Fort Hamilton they were for pills, and at——

Mr. MANN. Let's take the pill cases. What disposition did they receive in court?

Mr. SPINELLI. The disposition of all of the cases at Fort Hamilton, the cases were dismissed. This was done at the request of Eugene Gold, who is the district attorney of the county of Kings, because of what I must frankly term, "was a fix," because a person that he knew was the parent of one of these students.

Mr. MANN. Take another school.

Mr. SPINELLI. The other school, Susan Wagner, I must say, here in one case where it's funny, actually, because the correlation which could be made. The case in Staten Island, at Susan Wagner, we had cooperation that wasn't exactly the best by the school, although I must commend the dean of boys, who did an exceptional job for us.

There the district attorney's office went out of their way to aid in helping us and I must commend them for their job.

But in all honesty, the statement I just made pertaining to Gene Gold, the district attorney of Kings County, there are many people within his office which I feel I must commend them for their work, but this was a personal involvement on his part and his first deputy chief, Elliot Golden, who has also refused, in many cases I have had, to do anything.

I have been known and termed by these people to be "Stevie, World War III," in the DA's office in Brooklyn because of the problems I have created for them.

I can document cases which are presently under investigation due to the actions that have been taken, and they have refused to take action where I have had bribes offered to me by individuals within that office, and no action to date over a year has ever come about, except for one man, a former assistant district attorney I indicted in January of this year.

Also, with the detective who was dismissed from this department, who at that time I felt should also have been indicted. Again, I feel something in this case went wrong.

Here in this district attorney's office, which I fought for 3 years, I must also commend the people that do work. There are people there I feel are extremely honest. But their court system, their people, their ranking people in the district attorney's office in Brooklyn, in the

Brooklyn criminal courts have in fact—and I can prove it and give facts to this committee to substantiate their involvements in narcotics, where major violators have been turned loose.

I can't say this about another borough like Staten Island. I got extreme cooperation. As a police officer, I have no objection to fighting corruption, whether police officers or not. Presently, I have many officers I have investigations pending on, including the one who was recently dismissed in January of this year, and last year, also.

I make no bones when it comes to investigating corruption, whether it be with police officers or public officials, because any man that would allow himself to be sold, especially for the purpose of narcotics, is no longer a man. He has no respect, no pride, and deserves nothing but the worst possible treatment given to him.

Mr. Mann. All right. Did you get good cooperation with respect to your arrests at any of these four schools?

Mr. Spinelli. The only one that I can actually say this happened in was Susan Wagner, the students that we arrested there.

Mr. Mann. What was the disposition?

Mr. Spinelli. The cases are still pending but they were presented before the grand jury and they were indicted, where this did not happen in Brooklyn.

We were approached by many people.

Mr. Mann. In the course of your undercover work at these schools, you dentified many users. Did you furnish to the school authorities a list of users?

Mr. Spinelli. We usually found that the school authorities didn't seem to be actually concerned with what had taken place after the initial operation had concluded, where the pushers were taken out of the school.

Mr. Mann. No PTA group or community action group interested in working with the school to do anything for these users or addicts?

Mr. Spinelli. You will find cases. I found in Susan Wagner High School, even though the dean of boys definitely showed an affirmative feeling in doing something about it, the principal seemed to be somewhat hestitant, but seemed to be placed under pressure through the auspices of groups such as the PTA, and at that time was somewhat pressured.

He stated, in explaining it to me, as I got it from him, that he was in favor of doing it, but as he stated, morally he felt he was obligated, but as I understand it from what he actually stated to me, he was forced into it.

Mr. Mann. With regard to the reference that has been already made to the rosy attitude, did you have expressed to you by school authorities a sense of frustration, of futility, that "so what"? "What can we do about it? There is no effective treatment method for these addicts, or children, so it is not our problem?" Did you actually have school people state that position to you?

Mr. Spinelli. They have related it in the sense that their positions are as educators. They would require the aid of other agencies but, of course, they have also made mention in this case, what happens in the courts, the dismissals, and the ineffectiveness by certain agencies to aid them. And overall, there may seem, or what you may deem to be somewhat of a lackadaisical attitude in trying to prevent this.

Mr. **Phillips.** Would it be fair to say that the attitude of the school officials that you have dealt with, is the attitude of pushing this under the rug and not really taking active steps to try to curb drug abuse?

Mr. **Spinelli.** From my experiences I would have to state with some schools this has been the case. While there have been officials, that is in the case of the prime example, Susan Wagner High School, where the dean of boys cooperated but there was no cooperation with the principal of the school.

Mr. **Phillips.** Sometimes you get individual cooperation but the principal will not?

Mr. **Spinelli.** That is correct.

Chairman **Pepper.** Mr. Spinelli, would you say there is any policy on the part of the directing authority of the schools, maybe the school board, about dealing with this problem and requiring that certain programs be initiated in the schools?

Mr. **Spinelli.** Of course, they have their drug coordinating program which was set up. I cannot really evaluate that myself and state how effective it is. I do know they have worked separately with other teachers. I would think it is too early to try and estimate the value of this.

Chairman **Pepper.** You are talking about the so-called drug education programs they have?

Mr. **Spinelli.** That is correct. Where they have drug coordinators there for that specific purpose.

Chairman **Pepper.** Have you seen any of the films or TV shows or anything that are supposed to be a part of a drug education program designed to keep students off drugs?

Mr. **Spinelli.** In Susan Wagner they do have a program, one class I had, personal hygiene.

Chairman **Pepper.** Do you have enough information to justify you in passing any opinion upon the effectiveness of those programs?

Mr. **Spinelli.** I would state that to a degree they are effective, only to a point, because I feel the individuals are not knowledgeable enough to actually teach to these kids the problems that exist by using drugs. They have a related idea.

Chairman **Pepper.** From your experience, would you say drug use and abuse is increasing in the schools of New York City or diminishing?

Mr. **Spinelli.** I would think from any own experiences, from what I know, it is increasing.

Chairman **Pepper.** Now what, if anything, have you found to be the attitude of parents in respect to the drug problem in the schools?

Mr. **Spinelli.** Some parents are concerned, concerned only to a point, because many do feel the fact that it will never hit them at home, they won't have to worry about it, their kids won't get involved in it. But it has been because of this that the problem, in effect, has been allowed to grow to such an extent. Because, in effect, the parents, to a degree, may be a contributory factor.

Chairman **Pepper.** Has there been any apparent concerted action on the part of what we call down home, the parent teachers association?

Mr. Spinelli. Oh, yes. I would think with groups like this the PTA, that they are concerned individuals, concerned parents, regardless of how small this group may be, or how large. They do want and tend to try and do something about the drug problem and the abuses of it.

Chairman Pepper. And they are getting more concerned about the problem?

Mr. Spinelli. That is correct.

Chairman Pepper. Where do the students get the money to buy the drugs that they use on the school grounds, or off the school grounds?

Mr. Spinelli. Many times I would find in the middle class and better areas, the students receive the money from the parents, themselves. They will initially give them whatever monetary means they need to purchase drugs. Of course, the parents do not all do this, but I find a lot of times parents are involved. The father works a job, the mother works a job, to get more, and as a result there are many things that are neglected with the child, including affection and good homekeeping. And as a result, in order to probably amend their feelings, or their neglect in this case, they give the child money, and it is actually an abuse.

Chairman Pepper. When a child gets to be a heroin addict the tendency is for the amount of heroin required really to increase from time to time. Isn't that so?

Mr. Spinelli. That is correct.

Chairman Pepper. And that can run up to a sizable amount of money, $25 to $100 or more a day?

Mr. Spinelli. That is correct.

Chairman Pepper. Would the parents ordinarily give the children that money?

Mr. Spinelli. In one case I know, in Fort Hamilton, one of the girls was arrested, and her father had made the statement he was giving her $20 a day.

Chairman Pepper. Knowing she was buying heroin with it?

Mr. Spinelli. No; she wasn't buying heroin, she was buying pills. I don't think he really had a knowledge. I remember that night, a statement made by him was to the effect that he does everything for her. He expressed his feeling as to how much money he gives her and how much he does for her. I said, "That is exactly the problem." That is why you have the problem.

Chairman Pepper. Have you known instances where the pupils in the schools who become heroin addicts, and don't have fathers that would give them the money to buy the drugs, commit crime in order to get the money?

Mr. Spinelli. Definitely. If they don't have the money they will be stealing things from home, jewelry, whatever. When that resource runs out, they will go on to other crimes, committing robberies, burglary, what have you, in order to gain their monetary needs.

Chairman Pepper. Where do the drugs come from? The heroin, for example, that is found in school environments, on the school premises? Is that heroin brought in there by students at the school, or students from other schools, or brought in by outside pushers?

Mr. **Spinelli**. Both. In all three related cases. It is by students within the school while going to the school, by students from another school who come to that school to supply them, and in the case I found at Susan Wagner, there were students there from another high school supplying drugs in that school, and also from outside pushers who come into the area and meet in the vicinity of the school to sell.

Chairman **Pepper**. Would these outside pushers sell heroin on the school premises or in the perimeter of the school?

Mr. **Spinelli**. I know of cases where they actually sold them on the premises themselves.

Chairman **Pepper**. What sort of surveillance, what sort of security is provided against such pushers coming on the campuses or selling to the students in the perimeter?

Mr. **Spinelli**. Each school, according to its own means, I guess the number of teachers available, whatever security measure they feel is necessary to prevent this. But the kids are a group which if they want, they will find a way.

Chairman **Pepper**. So it is the responsibility of the school to try to protect the students against the pusher; is that correct?

Mr. **Spinelli**. That is correct.

Chairman **Pepper**. The police department does not keep police on the grounds or in the perimeter of the school?

Mr. **Spinelli**. No, they do. In the case of Franklin K. Lane, as many as four police officers or more are there at the premises or surrounding area to curb the narcotics abuses.

Chairman **Pepper**. You say they are?

Mr. **Spinelli**. There are police officers there. This is one way in which the New York City Police Department, itself, has tried to curb the abuse of narcotics by apprehending pushers in and around schools.

Chairman **Pepper**. I guess there are not enough police officers to cover all exits or entrances to the schools. Some do get through; is that correct?

Mr. **Spinelli**. That is correct, even when they utilize their own personnel within the schools to do it. As in the case of Franklin K. Lane.

But you do find in a situation like this, regardless if they had guards at every door and window in the building, it would make no difference. These kids are intelligent enough, if they want something, they will find a way to get it.

Chairman **Pepper**. Are you telling us that it seems to be the attitude of school principals and teachers, even some of the prosecuting authorities including the prosecuting attorney's office, that this is a matter that is embarrassing, embarrassing to the schools, embarrassing to the parents, and tends to involve the students in a police record, and therefore there is a tendency to ignore it, sweep it under the rug, or not to prosecute? Just act as if the evil does not exist? Is that true?

Mr. **Spinelli**. To an extent; yes, sir. Because of a lack of cooperation together by groups of people to form a coordinated effort to do something about it, whether it be within the board of education, or anywhere else.

Chairman **Pepper**. Are there any other questions?

Mr. **Rangel**. Yes. I missed some of your testimony, but you indicated that, in addition to not getting cooperation from the board of education, sometimes you did not receive cooperation from the district attorney's office?

Mr. SPINELLI. That is correct, sir.

Mr. RANGEL. These are drug-related cases that you or your team brought to the district attorney?

Mr. SPINELLI. That is correct, sir.

Mr. RANGEL. After evaluating the cases, the district attorney decided on his own he would not prosecute?

Mr. SPINELLI. There was no evaluation of the cases, sir. In the cases at Fort Hamilton, just to give you a brief statement, as to not reveal any pertinent information which is under investigation now, which I must say under the auspices of Deputy Chief Inspector Saxon and Deputy Commissioner McCarthy, who are knowledgeable of certain situations I have run into.

Over the course of 3 years I have fought this office on many occasions. As I said, I have to also commend; there are certain people there who do an excellent job, police officers, and also assistant district attorneys. But in the case, my action, because of my related cases, many of them dealing on an organized level, I have had the occasion to deal with these people or to speak with them.

Mr. RANGEL. You are talking about the Kings County District Attorney's Office?

Mr. SPINELLI. That is right, specifically him, Mr. Eugene Gold, First Deputy Chief Elliot Golden, and many other individuals under him. Cases that were reported to them, briberies.

In one instance an assistant district attorney, I was told the assistant district attorney who went to bribe me in the district attorney's office, himself, was going to be first. He was never fired. He was reduced from his position in the supreme court to the grand jury.

The case of a major violator, one case I apprehended a few years ago, that when I arrested her, she had been in possession of approximately a pound of narcotics. When this testimony was through, and the case was resolved, the ending was that she received 15 years in jail, while a prior case where she had numerous sales to undercover personnel, she was also caught on another occasion with 10 ounces of pure heroin and 500 decks, she received for this a conditional discharge and pleaded to a misdemeanor. This is definitely abuse of the criminal court system.

Mr. RANGEL. This is a case you followed yourself, from testimony in front of the grand jury to the actual trial or disposition of the case?

Mr. SPINELLI. I am aware of the point you are trying to get at. I guess to relate it here to the schools which we deal with, there were conversations pertaining to money. That night, with one of the defendants, the father told us then he was a personal friend of Eugene Gold's and this would be taken care of.

I fought them on many occasions where I appeared in court and signed affidavits. They wanted me to change them. I would not change them. A statement was made to a brother police officer that a favor was done for him to obtaining certain records which he needed for a case, not anything to do with anything corrupt, it was just something he was trying to get because he had to draw up an investigation report on it, and he stated that he would not do this for his other friend, meaning myself, Spinelli, because he refused to sign certain papers.

Mr. RANGEL. Let me get this straight. You are saying a brother officer wanted some papers from a district attorney's office?

Mr. SPINELLI. Relating to another case.

Mr. RANGEL. The district attorney cooperated but said you could not expect that type of cooperation because of your bad relationship?

Mr. SPINELLI. That is correct.

Mr. RANGEL. You are saying in the course of doing your job that you have had briberies which you reported to the district attorney's office?

Mr. SPINELLI. That is correct.

Mr. RANGEL. And nothing has been done about it?

Mr. SPINELLI. That is correct.

Mr. RANGEL. That you have reported crimes as relate to narcotic abuse to the district attorney's office?

Mr. SPINELLI. Narcotics and other cases, and no action has been taken. I was told by Elliot Golden, first chief assistant district attorney, Brooklyn District Attorney's Office, I was to prepare a résumé on a related case that dealt with bribery of one of their officials. He said he would call for me.

It has been approximately a year and a half and I am still waiting for him to call.

Mr. RANGEL. You are stating further you had cases that involved students—drug cases—and these, too, have been reported by you to this district attorney's office and no action was taken?

Mr. SPINELLI. That is correct. We were told initially that night by one of the parents, he was a personal friend of Gold's, and something would be done about this. The following morning we were approached—I won't mention at this time, because of the investigation—a ranking individual from the narcotics bureau, district attorney's office, the facts of the case were laid out right before us, exactly what was going to take place. If you request, I will read the dismissal dates on all of these cases. None were ever put before the grand jury.

On one occasion before, in the Brooklyn Criminal Court, I had occasion to be there at a case and what was happening, they were switching court days around. We couldn't get in there, they wanted to keep it away from us.

Mr. RANGEL. When you say "they," you are talking about the district attorneys frustrating the attempts of your narcotics agents?

Mr. SPINELLI. That is correct. On one occasion I was there on a case and before a judge in Brooklyn, and the assistant district attorney was there at that court, stated to the judge that he was requesting the dismissal based on the fact that in this case the officer does not appear, et cetera, et cetera.

The defense lawyer agreed with him. At that time, when he was done, I requested I speak with the judge in open court and at that time I made a statement—"If there is any reason, sir, this being a sales case, it was not presented to the grand jury, it has been months and it should have been, and if there is any reason it has not been prosecuted, it is because of the actions that have been taken by the district attorney's office."

When the assistant district attorney at that time objected to this, what I had said, and stated in effect, "You are saying we are pulling something corrupt," I said, "Yes, sir." At that time he started to become abusive in court and the judge told him to shut his mouth, "everyone knew what was going on and he is not that stupid."

Mr. RANGEL. In addition to having your efforts frustrated by local assistant district attorneys, you say you personally have had conversations with the county D.A.?

Mr. SPINELLI. That is correct, sir.

Mr. RANGEL. You have reported this to your immediate superiors?

Mr. SPINELLI. Yes, sir. They are aware of all investigations that have been going on for the past 3 years.

Mr. RANGEL. So the testimony you are giving us today is now being investigated by police department officials?

Mr. SPINELLI. Yes, sir; we have one case which recently came about, which we wanted to see the outcome of all of these cases at hand concerned. The proper authorities are aware in the police department, including some deputy chiefs, deputy commissioners, and other people, and they are concerned about this problem and want to resolve it.

The police officers in this borough are completely frustrated because of the actions taken by this district attorney. Many, not only in my cases.

People said, "Why do you pursue to endeavor in what you do?" I said, "Until we get rid of all of the corrupt police officers and all corrupt officials, anyone that would lower themselves, regardless, dealing with narcotics or any related offense, with any man that would sell himself that low, then we will have what we want."

Then we will resolve our narcotics problem and all of our problems, and then we will live in peace. But until then nothing will ever come about.

Mr. RANGEL. You have not found your career impeded by taking these courageous stands on corruption?

Mr. SPINELLI. When I first came into the police department, as a police officer, it was a totally different system. I came in, in a period where I must say, I have lived through both the old and the new. And it was at a time, I remember a story, something was related to me, when I left one unit, one precinct area, to go to another, it was related by someone there, "Stevie, it is better you leave, they would have you serving summons to squirrels on Conduit Boulevard."

That is about what it came down to. The efforts have been very frustrating, the experiences, when I tried to endeavor to do something. But at all times I found my fellow officers respect me for this, too, that I will take action, whether it is dealing with a police officer or dealing with a public official, or dealing with a civilian. It makes no difference. I will take whatever action is necessary. For this, they will respect me.

On one occasion, upon completion of an investigation of one officer, I was asked do I want to leave, would I want to transfer to another unit, and this was done out of their concern for me. And I said, "No, because if I am, then, in effect, we have lost the battle. Let me go back to where I was prior. Let them know how I feel and let them see. There is no reason why I should run away. I have nothing to hide."

Many of them feel this way. Many police officers are very good and I do say the great majority of my brother police officers, I have the greatest respect in the world for. I did not intend to stay in the Police Department of New York City after I came out of the service. Because of what I learned, they are a fine group of men, no matter what they are, regardless of race or creed, or anything else. They are a fine group of men.

It is these few which, of course, today in the wake of corruption, which appeals to sensationalism, I think it a good thing to be brought out to the public, that the public be made knowledgeable, that we all must make a concerted effort and realize what is going on and do something about it. And many of our police officers are fighting it and making it known and they are expressing their feelings.

An investigation over one police officer handled by the Brooklyn D.A.'s office was an investigation done not by the D.A.'s office, it was done by the police department, and they were forced to take action, that they did, and there are police officers concerned, prior to the Knapp Commission. You find very commendable individuals for the things they did. They, the police department themselves, have taken many, many actions, and I have been very instrumental in many, many cases investigating police officers.

Of course, it just comes out to the public now, under the commission's image, which, of course, it is a good thing in my mind, it should be exposed. Just like in the case where we have to show bad things we have done, we have to show the good things we have done, and the feeling in the department is changing.

As I stated, I lived through two different periods in the department and I have been frustrated in my attempts, and we have been abused because of efforts of the D.A.'s offices, cases where police officers should have been definitely dismissed from the job and prosecuted and put in jail for what they did, involving narcotics or other related crimes.

The investigation unit of the police department has had many problems in trying to prosecute these cases.

Mr. Rangel. You are saying your investigations of corruption in the police department were indeed being frustrated by the D.A.'s office?

Mr. Spinelli. That is correct. Whether it dealt with officials, lawyers, police officers, whatever, the way in which cases were handled.

Gene Gold made a public statement over TV, he stated that I headed an 18-month intensive investigation, and he allowed people to think this was done by the D.A.'s office. That is a lie. Because for 15 months I tried to get in the Brooklyn D.A.'s office to prosecute this case and nothing was ever done about it. It is only through the concerted efforts of some police officials within the D.A.'s office and concerned assistant district attorneys who are there, who are honest. This is why the case was gotten into the D.A.'s office.

Mr. Rangel. When you say you were trying to get into the district attorney's office, I assume what you were saying is that you had evidence of corruption against a specific individual?

Mr. Spinelli. That is correct, sir.

Mr. Rangel. And you took this to an assistant district attorney?

Mr. Spinelli. That is correct. It was reported to the district attorney's office and the information was related, in this case to the district attorney, himself, Gene Gold, and his first chief assistant district attorney was aware of it, Elliot Golden.

Mr. Rangel. Your preliminary statement was that the original step was to bring it to the grand jury for purposes of indictment?

Mr. Spinelli. That is correct. This information was gotten for the auspices of the police department under their investigations and was not done by the district attorney's office, the one that dealt both with the police officer and the former assistant district attorney.

Mr. **Rangel.** You are saying you had information concerning corruption of a former district attorney, as well as a police officer, and that you were not able to testify before the grand jury in Kings County?

Mr. **Spinelli.** That is correct, except for the police officer. He came at a later date in the investigation. His actions, in which he had taken part——

Mr. **Rangel.** You are not talking about any information which you just had in your mind?

Mr. **Spinelli.** No, sir; definitely not. I will relate right now if you request. A number of cases I can, in fact, substantiate.

One case, Elliott Golden, as close as you are sitting to me right now, stated to me he wanted me to prepare a résumé. He stated to my face—and mind you, I must state, I had a superior present who was kept outside of that office and not allowed to enter. A police department official who was refused entrance into this office and who I wanted there because, as I told them before going into the room to talk with them, I didn't intend to be framed by them, because they had threatened me on many occasions. They had implied my personal belongings should be searched because I may have a tape recorder on me and could possibly affect their arrest because of some illegal activities.

But while I was sitting there this man had the nerve to say to me, the case at hand, certain political favors were done.

I said, you call it a political favor, I call it a fix, and if it was a police officer you would have put him in jail for this.

He kept saying to me, well, certain favors were done in the case. If you want to call it a fix, whatever it was, he admitted to me what was done in this case, as in other cases, related cases along the line.

Mr. **Rangel.** Are you saying the district attorney said you could not proceed with the evidence you submitted against an assistant district attorney because of prior favors?

Mr. **Spinelli.** No; it was a matter of cases which were brought before them which they refused to prosecute. And on numerous occasions I tried to get these cases prosecuted and could not.

I only succeeded recently because of certain factors, in consideration within a case, which had come to light where they were in effect forced to do what I said. I held information for 2 years, with the department's knowledge, of trying to get this case prosecuted and brought before a grand jury. And not until it met with their own personal wants and desires, because this individual was in effect exposing them on related things, did they desire to prosecute him.

Mr. **Rangel.** You indicated, officer, that recently in some of the cases that you activated, some action has been taken.

Mr. **Spinelli.** That is correct, sir.

Mr. **Rangel.** Just one out of approximately how many?

Mr. **Spinelli.** Approximately 11 cases, sir. I am sorry, let me correct that.

I can say this, in over 10 cases.

Mr. **Rangel.** That only one now has been activated with some action?

Mr. **Spinelli.** That is correct, including the defendants of the schools, other related cases, cases dealing with bribery, with attempted bribery. An assistant district attorney attempted to bribe me, where no action was taken.

Mr. RANGEL. And these cases have numbers?

Mr. SPINELLI. That is correct, sir. And I can identify them.

Mr. RANGEL. You have memorandums, data, and everything?

Mr. SPINELLI. That is correct. It is recorded, actually, what had happened, what had taken place.

Mr. BRASCO. Excuse me. What you are saying, detective, is there are cases pending in all of these situations, except that they have not been acted upon in court?

Mr. SPINELLI. No, sir. I will give you right now exactly the ones that have been acted on, which was one, everything else that I see before me, which I have those number of cases, over eight, were all dismissed.

Mr. BRASCO. These are the students you are talking about?

Mr. SPINELLI. Besides just the students. The number would go over.

Mr. RANGEL. Wait a minute. You are saying you have brought at least 10 cases to the district attorney's office in which you felt a conviction could be had?

Mr. SPINELLI. That is correct.

Mr. RANGEL. Are you saying that approximately eight of these cases have been dismissed?

Mr. SPINELLI. More than eight, sir.

Mr. RANGEL. And are they now—you are saying dismissed; you mean there was no copout, there was no plea taken to anything, either a felony or a misdemeanor?

Mr. SPINELLI. That is right. Outright dismissed as in the case of Fort Hamilton. All outright dismissed. The usual procedure is to bring them before the grand jury and indict them first.

In the case of one undercover agent, Kathy Conlon, she managed in getting one case into the grand jury, and they in turn returned the indictment, and she, as the result of her actions, also in trying to effect proper police action, prove these people guilty, she had to leave the borough and not work in the borough because of the way she was threatened. She was told by First Chief Elliot Golden that they don't need her kind and her kind I want because she is honest, and that is what they didn't want. They wanted corrupt police officers that they can work with.

And I don't care whether it is police officers, or officials, or anybody else, we don't work with them.

Mr. RANGEL. Has this information been turned over to any investigative body? Do you believe that?

Mr. SPINELLI. Presently, right now, sir, there is a body of men that are aware of what is going on, and it is under investigation.

Mr. RANGEL. Without giving us any more information, do you feel confident that even with these cases that are dismissed and then with your feelings about the Brooklyn District Attorney's Office in general, that some action is being taken to review those matters?

Mr. SPINELLI. Now, sir; yes, sir. Under the auspices of the individuals who are investigating them now, I feel that justice will finally be done.

Mr. RANGEL. Will you feel free to come to this committee at any time that you feel cooperation is not taking place?

Mr. SPINELLI. I will definitely come before this committee, sir. That I promise you.

Mr. Rangel. Have you seen, as a result of this investigation, that is the overall investigation, that any assistant district attorney that you may have been in contact with has been demoted or removed from office?

Mr. Spinelli. Because of actions of myself in related cases? Yes, sir. There was one. Yes, sir. The one who had attempted to bribe me. He was reduced from the supreme court to the grand jury.

And what had happened here, he had fixed the case in the Brooklyn Criminal Court, which he had no business being there to start with. He wasn't assigned there. He had left his own position to go there and as I was told, "Stevie, if I knew it was you, I wouldn't have done it."

It was like they had tried on a number of occasions and threatened me, related circumstances, it was always the same thing, "Stevie, if I knew it was you we wouldn't have done it." They knew damn well it was me.

Mr. Rangel. Are you saying an assistant district attorney was involved in committing a felony and the result was only that he was demoted from the supreme court to another court?

Mr. Spinelli. That is correct, sir. That is correct. There has been any action taken against this man, whatever. Except for this, and I was told personally that this individual was going to be fired.

And at that time I assumed that this was the initial action pertaining to the case. But this individual is still working there and I was told, "Stevie, just forget about it."

Mr. Rangel. He was demoted instead of indicted?

Mr. Spinelli. That is correct. I know that for a fact. I saw him only a few days ago.

Mr. Rangel. I would like to turn this matter over to our chief counsel.

(Mr. Rangel confers with chief counsel.)

Mr. Rangel. After discussing the legal restrictions on our committee, I just want to reaffirm our support for the witness today. In the event—and I hope the unlikely event—that you do feel these violations of law—or at least what appears to you to be violations of law—are not being fully investigated, I have been advised by our chief counsel that we would have jurisdiction and we would be able to hear from you.

So I want to thank you for your courageous work in the past.

Mr. Spinelli. Thank you, sir.

Mr. Rangel. And if communities such as mine cannot have some confidence in the police department, then we are in one heck of a lot of trouble.

I agree with everything that you said. It smears on everybody involved.

Mr. Spinelli. That is correct.

Mr. Rangel. I want to thank you.

Mr. Brasco. May I, Mr. Chairman?

Detective, without getting into legal gymnastics, from your testimony I know you are intelligent enough to understand what I am talking about, are any of the cases that you are talking about, cases where you were given reasons as to why they were either reduced or dismissed.

Mr. Spinelli. Initially at Fort Hamilton, they claimed, supposedly, they were legitimate reasons. But as we know otherwise, we learned from other sources, as people approached us, and Kathy Conlon will testify, too, as to the subject of money which was brought up and discussed, which related to the cases, how we were harassed, and in cases with sales, we present them to the grand jury and indict them.

In this case, because of one individual—and she was also told, as I was—what was done for one has to be done for all. This one individual they were primarily concerned with. We were brought in and harassed, myself, Kathleen Conlon, and a fellow police officer, and before that. Supposedly they had laid out pictures on the desk and we had to pick this individual's picture out. This was never done before. We wouldn't even go into that office until we had our own authorities with us from the police department.

Mr. BRASCO. Getting back to the student cases, was there anything discussed in terms of the case being dismissed and then referred to possibly some youth organization, or youth counseling bureau by virtue of the age of the students?

What I am trying to ascertain, there might be a misunderstanding of different kinds of court action.

Mr. SPINELLI. No, sir. It was definitely clear it was a fix and we were told to keep our mouths shut, as in the case that it took me 2 years to present. Each time we made objections because of what had happened, one way or another, we found out they had to——

Mr. BRASCO. I was talking about the high school cases. They are not 2 years old, the high school cases?

Mr. SPINELLI. As in the case with Fort Hamilton, the Brooklyn D.A.'s office refused—not Fort Hamilton. In the case with Franklin K. Lane, they refused to indict four marihuana sales. It seems to be their opinion that before there is even a medical or Federal finding on this they can interpret this as such.

I have direct relation with a D.A. who made a statement—I will read that statement, pertaining to the district attorney's feelings 2 years ago as to this.

Mr. BRASCO. What I am trying to do is ascertain whether or not there is any policy. It is your opinion the district attorney's office feels sales with respect to marihuana are cases where they don't want to indict as a matter of judgment.

Mr. SPINELLI. That is correct. But this feeling existed more over a year ago, almost 2 years ago, and this is not just in the case of marihuana. This is in the case, also, with heroin, this has come about. Or we found, as in the case of large dealers, there were a lot of favors done for.

Mr. RANGEL. That means two separate things. I understand the line of questioning——

Mr. BRASCO. May I finish?

Mr. RANGEL. I just want to finish this one point, only.

As it relates to the dismissal of marihuana charges against the students, this is not because of some philosophy as relates to marihuana. You are not including that in the "fix" category, are you?

Mr. SPINELLI. No, sir. I am separating that.

Mr. BRASCO. That is what I am trying to find out, myself.

Mr. RANGEL. I felt I could do it more speedily.

Mr. BRASCO. Just one question: This is important, Mr. Chairman.

What I am trying to find out in the case the detective is talking about, the youth cases: you spoke about 10 cases where no action was taken, and I would like to know whether or not this was a question of philosophy.

Mr. SPINELLI. No, sir; definitely not.

Mr. BRASCO. You feel in the youth cases it was not a question of philosophy?

Mr. SPINELLI. No, sir. It was definitely a fix case in Fort Hamilton.

Mr. BRASCO. One case, or more than one?

Mr. SPINELLI. Specifically that one case. I will only testify, sir, I will not do anything else, only to what I have knowledge of. That one case.

Mr. BRASCO. And then you spoke about a former assistant DA?

Mr. SPINELLI. That is correct.

Mr. BRASCO. He was indicted, I understand?

Mr. SPINELLI. And arrested.

Mr. BRASCO. So we are talking about that one case and the others are questions of philosophy or policy.

Mr. SPINELLI. Those are the cases related to another assistant district attorney who attempted to bribe me.

Mr. BRASCO. That is a third?

Mr. SPINELLI. And there are many, many more.

Mr. BRASCO. All right. Thank you.

Chairman PEPPER. Mr. Spinelli, when I was a young man, my father was the chief of police and a sheriff. I appreciate, therefore, what a law enforcement officer who is dedicated to the public interest and to the performance of his duty, means to our country. You have impressed this committee, I know you have impressed me, as a man who is courageous and dedicated in the performance of his duty. We want to thank you for coming here and giving us your testimony on this.

The committee commends you on your efforts, and wishes you Godspeed in your continued efforts to do something which needs to be done.

Mr. SPINELLI. Sir, I might also state I will be available to come before this committee, since I am aware of the fact the district attorney of Kings County is supposed to come before you and testify. I will be available in rebuttal to anything he has to say.

Thank you very much.

Chairman PEPPER. The committee will now recess until 2 o'clock this afternoon.

(Thereupon, at 1 p.m., the committee recessed, to reconvene at 2 p.m. this same day.)

AFTERNOON SESSION

Chairman PEPPER. The committee will come to order, please.

We are very much pleased to have with us today the Honorable Paul Curran, the chairman of the New York State Commission of Investigation; the Honorable Edward Silver, member of the commission; and the Honorable Joseph Fisch, chief counsel for commission.

I take particular pleasure in welcoming an old classmate at law school here today, Mr. Edward Silver. We were friends in law school, and have been friends through the intervening years.

We are particularly pleased to have him and his colleagues here today. We are sorry we delayed you so unduly here today. We do not want to keep you longer than necessary. We appreciate your coming here to help us. You have been doing magnificant work for the State of New York and the country.

Mr. Counsel, would you inquire, please.

STATEMENT OF PAUL CURRAN, CHAIRMAN, NEW YORK STATE COMMISSION OF INVESTIGATION; ACCOMPANIED BY: EDWARD SILVER, MEMBER; AND JOSEPH FISCH, CHIEF COUNSEL

Mr. PHILLIPS. Chairman Curran, do you have some preliminary remarks you would like to make?

Mr. CURRAN. Yes, sir.

Mr. Chairman and members of the House Select Committee on Crimes, I would first like to thank you on behalf of the State commission of investigation for inviting us to be here today and to discuss with you briefly, at least, some of the findings which we made during an investigation of narcotic law enforcements as those findings related to drug activities, and particularly heroin in the New York City public schools.

I might say at the beginning that the New York State Commission of Investigation is a nonpartisan investigative, fact-finding agency. We are a separate State agency, or separate agency of government, not part of the executive department. The history of our looking into the drug situation is as follows:

In late February of 1970, Governor Rockefeller and the legislative leaders asked us, pursuant to statute, to undertake a comprehensive inquiry on all facets of the heroin and hard drug problem faced by law enforcement officials, particularly in the New York City metropolitan area, including the effectiveness of the law enforcement agencies and the courts and the role of organized crime.

We began that investigation in early March of 1970, pursuant to that request, and we concluded the investigation with a 10-day public hearing about a year later, in April of 1971.

That hearing revealed publicly, for the first time, that narcotics law enforcement in New York City as then practiced was a failure, and that narcotics corruption was the biggest single corruption problem within the New York City Police Department.

Now, although the thrust of this investigation, as I said, was narcotics law enforcement, the commission also examined into the narcotics problems in the schools of New York City. We felt that this was warranted because of the growing number of young people who had been arrested for narcotics crimes, as well as the alarming rise in the number of teenage deaths attributable to overdoses of narcotics, overdoses of heroin.

Another relevant factor which made us look at the schools were the reports made to the commission by police officers that school authorities were not cooperating when the police were trying to take action against the student pushers operating in and around the schools.

The commission also learned that school officials were refusing to provide information on student addicts to the health department, in apparent violation of law. We looked into all of these matters.

Our inquiry convinced us that the board of education's efforts, both in connection with suppression of the heroin traffic within the city's schools and in helping those schoolchildren who were addicted to heroin, were wholly inadequate and indeed a failure.

Now, Mr. Chairman, if I may, I could start to go into some of our specific findings, or do you want to question me?

Mr. PHILLIPS. Please continue.

Chairman PEPPER. We would like to have them.

Mr. CURRAN. Well, there are over 1 million registered students in the New York City public school system. These students attend 869 separate schools and come under the direct supervision of over 55,000 schoolteachers.

At the time of our public hearing, April 1971, it was apparent that narcotic addiction among the youth of New York City had reached epidemic proportions. Indeed, Dr. Milton Helpern, the chief medical examiner of New York City, testified at the commission's public hearing that this was the case—an epidemic.

It was established that by 1970, heroin use had become the leading cause of death among teenagers in New York City, as you noted in your opening statement, Mr. Chairman.

Between the years of 1965 and 1970, a total of 288 children 16 years of age and under, died of drug overdoses. That is 16 years of age and under.

In 1970 alone, 90 such youngsters died from overdoses of heroin.

In September of 1970, the Bureau of Educational Research of the New York City Department of Education, submitted a report to the New York City Council dealing with the incidence of drug addiction and usage among school-age children in New York City. We are talking about heroin here.

That report concluded that a minimum of 36,500 New York City youngsters 19 years of age and under, were heroin addicts.

For example, to show the problem a little more pointedly, in the school year 1969–70, in one girls' vocational high school in New York City, there were four overdose cases in 1 week. Inside the school, which required that those four children be taken to the hospital in ambulances. Thus, that this problem had become an epidemic should have been obvious to all concerned.

Now, on the subject of law enforcement: The fact that narcotics and specifically heroin were being sold inside some schools was never denied by school authorities. Of course, it could not be denied. The figures on juvenile arrests for narcotics crimes show how deeply youngsters have become involved in such violations.

In the year 1968, there were 765 arrests of children under 16 years of age for drug crimes in New York City.

In 1969, 1 year later, there were 1,150 such arrests. And in 1970, this figure increased to 1,449, almost a 90-percent increase in the 2-year period.

Now, this is the category of 16 years of age and under.

For the same category, 16 and under, there were 420 felony arrests for narcotic crimes in 1970, and this represented an increase of about 125 percent over the 188 such felony arrests in 1968, 2 years earlier.

For the 16-to-20-year age groups, there were 17,505 narcotic arrests in the year 1970 in New York City. This represented a 127-percent increase over the 1968 figure of 7,701 such arrests.

With respect to felonies for this 16-to-20-year age group, there were 7,343 felony arrests in 1970, representing a 177.8-percent increase over the 1968 felony total of 2,643.

Mr. Chairman and members of the committee, the commission's investigation and public hearing established beyond question that as a general proposition, the schools not only failed to cooperate with the police department in its effort to suppress the heroin traffic, but actually in many cases, obstructed law enforcement's attempt to suppress this traffic and to make cases on those who actually sold heroin to their pupils, both within and without the schools.

In commenting on the lack of cooperation with law enforcement on the part of some school officers, the district attorney of one county told the commission, and I quote him: "School officials are contributing more to the drug problem than organized crime."

Now, whether that statement is hyperbole or not, I think it is significant, and there is unquestionably a good deal of truth to it.

The commanding officer of the narcotics division of the New York City Police Department told this commission that: "Even when school principals knew of narcotic problems in their schools, some principals were unwilling to supply the police with information or leads, or to cooperate with the police in any way."

The principals took the position that their rapport—and I quote: "Rapport" with the students would be lost if the students learned that they had cooperated with the police or permitted the police to conduct undercover operations in their schools.

And again, gentlemen, we are talking about trafficking in heroin now.

The commission was told of one case where a school principal refused to give the police the home address of a student who was selling heroin and whom the police were trying to locate in order to arrest on previously established drug charges. The police did not want to make the arrest in the school and thereby perhaps cause an incident, but the principal refused to cooperate.

In another case a school principal refused to furnish the police with the student's age, even though the police explained they needed the information to find out if the student qualified for youthful offender treatment.

The commission looked into the enforcement situation in a number of schools, and as I said at the beginning, the schools were not the focus of our investigation. We did discover that the amount of police activity in any given school depended largely, if not totally, on the attitude of the particular principal of that school.

Some principals who were concerned about heroin traffic in their schools requested police undercover operations. Where this was done, significant results were generally achieved.

The patrolman on duty at one senior high school told the commission that over a 2-year period he had made approximately 150 drug arrests of both students and outsiders inside the school and in the immediate area surrounding the school. Fifty to sixty of those arrests involved students inside the school. One such student was arrested with 145 bags of heroin in his possession.

The police in another school arrested one student for possession of 60 bags of heroin; a 14-year-old girl student for possession of 20 bags of heroin; and a 14-year-old boy for the possession of 30 decks of heroin.

On the other hand, some principals refused to permit any police activities in their schools. For example, the assistant principal at one senior high school, which clearly had a narcotics problem, told the commission that although there was a uniformed patrolman on duty at this school, the administration preferred he be present but not visible.

At the commission's public hearing, one narcotics division police officer testified that he and members of his team attempted to conduct an undercover operation at a senior high school in New York City, which had a very substantial heroin problem, and there was no dispute about that. This officer testified, after meeting the assistant principal of the school, and the so-called narcotics coordinator, and informing them of the problem and the police department's intentions to try to go after the traffic, the narcotics coordinator asked the police to stay out of the school, adding she did not want to be seen talking to narcotics cops because this might spoil her good relationship with the students.

Subsequently the police were able to place an informer in the school. This same narcotics coordinator was the informant's homeroom teacher. This narcotics coordinator went out of the way to single out the informant for attention and the informant, because of this, had to be pulled out of the school.

I might say this jibes with testimony given earlier today by the police undercover witness who pointed out a similar situation, and it is obviously not the same because we are talking about another informant here.

This was done even though the police had told the school officials they had reliable information that heroin was being sold in the school cafeteria and within other areas of the school. After this happened in this case, the police officers involved contacted the assistant principal, who said he would have to speak to the principal.

The assistant principal reported back to the police that the principal had said he did not want the police in the school. After this, the principal, himself, reiterated to the police officers that he did not want an undercover operation conducted.

The principal asked the police officers if the police could obtain a female undercover agent, and they said, of course they could. The principal then said he would be in touch within a couple of weeks. But that was the last the police heard from the principal, and in the words of the police officers involved, they were shut off completely from the school.

Mr. PHILLIPS. Could you conclude on the basis of incidents like that, that there was something the school authorities were trying to sweep under the rug, or trying to hide?

Mr. CURRAN. Well, it seemed obvious, the only conclusion one could make was that at least in cases of some schools, that was precisely what was occurring, they just did not want to get involved, they did not want trouble. And any kind of activity which might reflect adversely upon the particular school, I guess they felt, they seemed to feel, would reflect adversely upon them and their stewardship.

I think this situation is particularly significant because the report which was submitted by this school, which I have just testified to.

the board of education for the 1969–70 school year listed 500—500—suspected users of heroin; 20 known heroin addicts; and 800 suspected users of such other drugs as marijuana and LSD. That is the report submitted by that school to the board of education, and this is the same school which refused to accept, indeed, refused to permit, any police undercover activities within the school.

That school obviously had a very deep and dangerous narcotics problem.

Mr. PHILLIPS. Tell us the name of that school.

Mr. CURRAN. Well, if I may, Mr. Phillips, I would rather not. We can document this to the staff. We have not used names of schools in our public hearing; we will not be using it in our report, and I would prefer not to do it publicly. We do have the names for your staff's information.

Mr. RANGEL. Mr. Curran you have been able to determine this lack of cooperation from testimony, and most of your report deals with individual schools and individual principals, did your commission receive any testimony from representatives, direct representatives of the board of education, or the United Federation of Teachers and, if so, did they give you an idea of what their policy was in this area?

Mr. CURRAN. We received no testimony, as I recall, from any representatives of the United Federation of Teachers, as such. We did talk to individual teachers who I assume were members of the union.

With respect to the board of education, itself, Mr. Rangel, I am going to come to that. The answer is yes, we did speak to them. Yes, and they didn't really offer any reasonable explanation for what was going on.

But if I may, I will come into that.

Mr. RANGEL. Yes.

Mr. CURRAN. I might say, I meant to say in the preliminary remarks, Mr. Chairman, that during the course of our investigation, Mr. Rangel, the distinguished member of your committee, was most helpful to us in some areas of the investigation. Not dealing so much with the school as with some law enforcement problems and indeed testified as a witness at our public hearing. We are most grateful for that.

Mr. BRASCO. Excuse me. May I interrupt?

Mr. CURRAN. Yes, sir.

Mr. BRASCO. I am sorry I was outside on the phone with my office.

Isn't that part of the problem we have been discussing? The detective that previously testified told us about the lack of cooperation on the part of schools and the board of education. I am wondering if we do anyone a service by following the logic of the board of education; namely, that they would rather sweep the stuff under the rug and not expose by name of school or any other identification, that there is a problem and that their lack of cooperation, in my opinion, is predicated on the fact there are problems and they would rather not talk about them.

They think they can solve them internally, but instead the matter is getting worse.

By not giving the names to the public, aren't we sort of falling into the same kind of trap? In other words, we follow their logic, "Don't let anybody known about it except the parents, who see the kids come home with missing money and banged up, and using and abusing drugs."

Mr. CURRAN. Mr. Brasco, we have called, of course, the attention of the board of education to the schools involved.

Mr. BRASCO. They are not going to do anything about it, as far as I am concerned.

Mr. CURRAN. It is our considered judgment, at least, that we are trying to expose the overall problem in the New York City schools, and that the board of education, in the final analysis, has to be responsible for that problem. I don't think it is particularly relevant in terms of what we are trying to accomplish, that we name the schools.

The point is the whole problem has become a disaster area and there has been a total lack of leadership. In a moment I am going to get into some of the dealings we had with the board of education itself, and what their reaction, or lack of reaction, was.

Mr. BRASCO. Thank you.

Mr. CURRAN. One other specific example, I was about to say the district attorney of another New York City county, another county in New York City, testified at our public hearing that despite pleas he had made to school administrators in his county for help in suppressing the narcotics traffic within that county's schools, he had never been offered any assistance to accomplish this.

As a matter of fact, he testified in one situation he was contacted by an irate school administrator one day, who complained that he, the district attorney, had placed an undercover agent in the school, and was very angry about it. In fact, there was no such undercover agent there at all. It may well be that there should have been, but there wasn't.

In any event, the commission's investigation, I think, made plain that the board of education was furnishing no leadership or even guidance to its schools, to individual schools in the system, and to its employees, in connection with law enforcement's efforts to suppress the narcotics traffic in the schools.

On November 4, 1970, during our investigation, the commission met with the then president of the board of education, Mr. Murray Bergtraum, and we discussed with him in general terms what we had found and raised with him this question of a lack of cooperation between school people and police officers. We are talking now, again, about sales of heroin. And as a result of that first meeting, which was pretty inconclusive, we had a second meeting at Mr. Bergtraum's request, on November 12, 1970, with him; Chancellor Scribner; Deputy Chancellor Anker; Board Secretary Harold Siegel; Director of Health Education Irvin Tobin; Deputy Superintendent Helen Donna Van Funder; and others.

At this meeting we told all of the officials gathered together at our offices, what the complaints of lack of cooperation were, and recited certain specifics, including the example I gave before of the refusal to provide the student's home address to police who were trying to execute a warrant.

These officials said that school authorities had an obligation to protect the confidentiality of the records, and told the commission that this claim was based upon court decisions and a 1962 board of education directive.

Now, those seemed at first blush, at least, like reasonably persuasive responses to that particular question, anyway, if that were the fact. Later, we asked the board for the citations of these decisions, and a copy of this 1962 directive. They told us that there were no such court decisions. And when we examined the 1962 directive, we found that instead of prohibiting disclosure of such student information to the police, it actually authorized principals to provide it to the police, and to the appropriate governmental representatives.

That is the fact. The board representatives then conceded that our interpretation of the circular was correct. Then we discovered a new circular had been issued by Chancellor Scribner on October 28, 1970, which superseded the 1962 directive and prohibited, for the first time, the release of such information by school authorities.

After we contacted the board about this new directive which had been issued about 2 weeks before we met with the whole group, we were told it had been rescinded. But in visiting various schools thereafter, a number of principals told us that it was still in effect, or at least so far as they knew it was still in effect, and they were observing it.

So, the conclusion, I might say the inevitable or inescapable conclusion, was that overall there was no guidance from the central board and little or no real understanding or concern about the problem.

In discussing the narcotics traffic—and again we are talking heroin—with the representatives of the board of education, we had the distinct impression, instead of talking about heroin in the schools, we might have been talking about problems with the students who didn't do their homework.

Now, as a result of our disclosures of last year, there have been undoubtedly some changes for the better. We are told by police department officials now, that there is now far more cooperation with the police department in terms of going after heroin traffic within the schools than there had been.

Another area we found to be a real problem, which apparently is still a problem, and this is over and above their total failure to help law enforcement, we found the board of education—and I say this advisedly—obstructed and illegally failed to cooperate with such nonenforcement agencies as the New York City Department of Health, in connection with the health department's efforts to alleviate the problems of addiction. This is, I suppose, a serious charge, but the facts are not in dispute, and I think it is simply a fantastic story.

Section 11.05 of the New York City Health Code, effective January 1, 1963, mandates that government officials, including the board of education, supply the names of student drug users, addicts, to the health department register.

Another section, section 11.07, mandates that this information be kept confidential.

Now, this section of the law—and incidentally, it is my understanding a violation of this section is a misdemeanor—has been practically ignored by the board of education from 1963 up until the time of our public hearings, and indeed to a large degree thereafter.

As an example, from 1965 to 1970, the medical examiner's office reported to the narcotics register the names of 682 addicts, 19 years of age and under, who had died of narcotics overdoses.

If I may, I would like Mr. Fisch to go up and point to the chart, and I think this chart really demonstrates very graphically the magnitude of this problem and the magnitude of the board of education's colossal failure to comply with local law.

Chairman **Pepper**. Excuse me. What is that law?

Mr. **Curran**. It is section 11.05 of the New York City Health Code. And section 11.07, which deals with confidentiality. Both took effect in 1963.

The first column by year shows overdose deaths, children aged 19 and under, as reported by the medical examiner. These are deaths.

And in the year 1965, you will notice 20 such deaths were reported by the medical examiner. In that same year, the board of education reported to the health department register the names of six students, addicts in the New York City school system.

Mr. **Phillips**. They didn't even report the ones who were dead.

Mr. **Silver**. They died outside the school, you know. That is the reason.

Mr. **Curran**. I suppose most of them did.

Mr. **Phillips**. Is that just mismanagement, or they don't care?

Mr. **Curran**. I will come to the reasons they gave, but I don't think there is any justification for it.

In any event, I think the other columns will show it is 31 and three in 1966, and so on down the line.

Chairman **Pepper**. Put it in the record, because the charts won't be printed.

Mr. **Curran**. All right. In 1966 there were 31 such deaths reported by the medical examiner, and three names reported by the school system to the health department.

In 1967, it was 74 deaths reported by the medical examiner, and five names reported by the board of education.

In 1968, 107 by the medical examiner, deaths, and five names reported by the board of education.

In 1969, 255 deaths, three names reported.

And in 1970, the figures were not complete when this was prepared, 195 names of deaths and six reports to the register.

The total is 682, as I said, deaths occurring this period, with 31 names reported to the health department by the board of education.

Chairman **Pepper**. Now, Mr. Curran, you are talking about deaths from the use of heroin, aren't you?

Mr. **Curran**. Overdose deaths; yes, sir. Just overdose deaths.

Chairman **Pepper**. I understand.

Mr. **Curran**. I might say, also, Mr. Fisch reminds me of the 31 names there, at least two of those came from parochial schools that were not part of the board of education structure. So, actually, it is something under 30.

I will come to the other part later, but you might see the next column deals with the number of student addicts and users reported—Mr. Fisch is pointing to it now—reported by schools to the board of education. There is a form which has been in existence since 1965 or 1966, which the individual schools are supposed to fill out and report to the board of education, without giving names or addresses, and the columns are suspected users, occasional users, and known addicts.

That information is set forth in the third column and, of course, you will see, for example, in the year 1967, the entire New York City public school system reported there were 93 such suspected, occasional, or known heroin users in the city of New York. We will come to the rest of the figures later.

When we questioned the board of education about this failure to comply with the law, they told us they weren't really aware of this requirement until April of 1971, when they received a formal opinion from the corporation counsel that the law in question meant what it said.

Of course, anybody reading the statute knows you would not need a corporation counsel opinion to establish that you should be reporting the names. This statement flies in the face of the truth, anyway, because as you see, they did in fact during the period report some 30 names, so their statement that they were awaiting a corporation counsel's opinion obviously could not have been correct.

There was also, of course, correspondence during this period between the health department and the board of education in which the health department was asking for this information and pointing to the provisions of the law. But I understand you are going to be having some additional testimony from health department representatives anyway.

Well, subsequent to the commission's public hearings, and after we pointed this out, we understand that some additional names have been reported by the board of education to the health department register, but as I understand it, the figure is still well under 100. And I am told again that reporting is now stopped.

Mr. Rangel. Mr. Curran, am I to understand that if we were to take the year 1970, that the local schools reported a figure of 4,075 suspected heroin users?

Mr. Curran. Yes.

Mr. Rangel. And they reported this to the board of education, and that the board of education, in following through on this information, reported six to the register?

Mr. Curran. Well, yes. Six names. The information that 4,075 figure would be arrived at by totaling the number set forth on these reports, which are submitted by the schools to the board of education. Now, those reports do not list names. They just list total numbers. But, of course, as you can see, and I will come to it in a minute, that 4,075 figure for the year 1970 is a rather severe understatement of the problem, particularly when the board of education had a report from one of its own groups that there were at least 36,500 heroin addicts under the age of 20 in the city. Most of them would be in the school system, obviously, because of the ages involved.

Mr. Rangel. My real question is: If you are dealing with five members of the board of education, and they turn in six names of addicts—assuming that the board really is not dealing with the student population on a day-to-day basis—and if the law or the form merely required no names, but suspects, how could the board then get the actual names of the suspects?

Mr. Curran. I might say that the board did not supply the names. The schools would supply the names in those six cases.

Well, that is, of course, one of the questions that has been raised. It was our opinion, based upon these facts, that the board of education, at the top, made no really meaningful effort to monitor the schools to require that this information be submitted, not only to them but to the register. It was quite apparent, and I have some figures on that here, that many schools, in connection with the third column, never replied at all. Some schools would say, "None" when in fact they were problem schools. But then there was no followup on the report, whatsoever, to go back to the school and say, "Well, for example, you said none; how do you explain the fact two people went to the hospital because of overdose last month," this kind of thing.

There was no riding herd on the schools and saying, "Look, send us accurate information. You are required by law to send the names to the register. The law mandates confidentiality. You can't use that as an excuse. You have no right to hold yourself above the law."

This is within the health department. This is a research tool. It certainly isn't for enforcement purposes of any kind.

Mr. Rangel. Further, even if you got outside of the educational protection, don't we have mandatory examinations and don't we have a certain number of people who are examined by medical personnel for the board of education, where we may be really getting into violation of law for not reporting an addict?

Mr. Curran. Well, we found during the course of our investigation, Mr. Rangel, that many of the people who were conducting these examinations really had no training or understanding of the problems of addiction, and I gather from some medical testimony, unless the examination occurred when the person was actually under the influence of drugs, it might well not show up anyway. There was no real followup in that respect, either.

Mr. Rangel. I am not a doctor, but as a lifelong resident of Harlem, it appears to me you really did not have to have too much medical background to determine the mainliner.

Mr. Curran. Of course. I think that is right. The testimony was they didn't have adequate training and some medical people said they didn't want to get involved. You really had two facets to it, I think.

I might say, too, that the schools were specifically directed by the central board of education, in connection with the forms which are summarized in the third column, they were directed specifically not to supply names on the forms.

As I pointed out, this failure to comply with the health code does, in fact, constitute a misdemeanor.

I might go to that, if I could, now. There is another area I want to talk about, arrest of schoolteachers in connection with drug crimes. Since we are on the form business, maybe I can do that now.

This form, which I said the schools are supposed to send to the board called for a listing by numbers of suspected users, occasional users, and known addicts, as certified by a doctor. That form has been in use since 1965. Our investigation found that among other things, this report was submitted to the board of education, and after the reports got to the board of education, nothing was done about them. They were simply there gathering dust. We asked about this and there was no followup with particular schools that had reported or had not reported as to whether the reporting was accurate. Many schools submitted no reports at all.

For example, one school showed 350 heroin users in its 1969–70 report. Its 1968 report showed none.

Another school, 1966–67, none reported in any category. In that same school year there were six arrests by police within the school for sales of heroin in the school cafeteria, a cooker was found on the roof of part of the school, and there was other substantial evidence there was significant drug activity, heroin activity, within the school. That same school.

Another school, 350 addicts, 1968–69, and we were told by the narcotics coordinator 1 year later, he estimated 2,000 students involved with drugs, with 850 of them involved with heroin.

No reports were submitted in the year 1970 from 17 elementary schools, 32 junior high schools, and 17 high schools. No reports were submitted at all and nothing, apparently, was done about it to require they be submitted.

As I said before, the reports that were submitted were simply received, and that apparently was the end of it, gathering dust at the board of education's offices.

The report up there now, which has been blown up, is an actual report which was submitted—I mentioned this before—the year 1966–67 school year where none was listed. There is a senior high school in New York City where I mentioned before there were six arrests for the sales in the school cafeteria during this same year, the cooker was found, and there was other substantial evidence of drug activity.

The report submitted by that senior high school to the board of education simply said "None" and it was never questioned, so far as we know.

But even these reports, as the other charts indicated, showed a rise in the number of children using heroin, from 93 in 1967 to 4,705 in 1970. The board of education received that information but did practically nothing about it. The various drug education, prevention, and treatment programs that did exist in the New York City school system came about almost universally as a result of each school's own ingenuity and initiative.

With respect to the board of education, so far as we can tell, no teacher has ever petitioned for civil commitment of a student addict, pursuant to law. The district attorney in one county told school principals in his county if they didn't want to petition themselves, if they had an indication a student was hooked on heroin, if they presented the information to him, he would petition for civil commitment to try to help the addict and remove him from the system and get him help.

He never received a single request from any school person in his county to do so.

Chairman **Pepper**. Mr. Chairman, I suppose it goes without saying, in view of what you so well said, that none of these schools provided treatment and rehabilitation facilities in the school for known addicts in those schools?

Mr. **Curran**. That is correct, sir.

We have another example: There was one school which apparently did report honestly and accurately for the year 1968–69. One school, I believe it was a junior high school in New York City, reported 605 of its 698 students—605 out of 698—to be involved. That is 87 percent, approximately, to be involved with heroin, either as suspected users, occasional, or known addicts. That is heroin and all drugs. I take that back. The bulk of them being identified as being involved as suspected users. Thirteen males and five females as certified by a physician as known addicts, and seven certified as occasional users by a physician.

When this report came in, which certainly pointed up a problem in that school, 605 out of 698 students involved with drugs, nothing was done by the board of education in connection with trying to get some special program, some kind of activity for that particular school and the children in it.

Mr. PHILLIPS. Could you tell us what level of school that was?

Mr. CURRAN. Junior high school.

Mr. PHILLIPS. And the age level would be?

Mr. CURRAN. Seventh, eighth, and ninth grades. So roughly, 12, 13, up to 15 and 16, depending.

Mr. RANGEL. Mr. Chairman, are you willing to share some of the information you were able to get, with the staff, understanding that ——

Mr. CURRAN. Yes, without question. Certainly. We would be glad to identify the schools involved, and everything else to your staff.

Mr. RANGEL. Thank you.

Mr. PHILLIPS. In following up Mr. Brasco's prior question, Mr. Chairman, the school principal was aware of these facts. Did he do anything about it?

Mr. CURRAN. Well, in this particular situation, the school principal reported the problem to the board of education. He was, as all principals were at that point in time—I think there is more help now than a year ago—he was pretty much on his own as to how to handle the problem. He had very little help. He may have had a narcotics coordinator who was not properly trained at that point in time, and they did what they could.

There was testimony, of course, where principals did seek help from the board of education. I am not talking specifically now with respect to filing reports, but in terms of the drug problem. They were told, in substance, they were on their own.

Mr. PHILLIPS. Is there any drug program at all for the 87 percent of those kids?

Mr. CURRAN. I don't know. I don't have for this particular school, but as part of that general form, the schools were supposed to list or set forth what their drug program or programs consisted of. Here, again, some schools would go into some detail, others would say nothing. But there was never, apparently, any attempt centrally to find out what the schools were doing, to make suggestions with respect to a drug program.

There have been developments, as you know, in the last year or so, in terms of attempted programs and a lot of experimentation, but at this point in time, 1969, 1970 even, there were no real programs except as each principal or school narcotic coordinator would adopt by virtue of his own ingenuity.

As Mr. Fisch points out, I thought I made it fairly plain, but just to stress it, there was apparently never any review at the board of these forms as they came in. You would look at the form and say, "This school has a real problem, or this school, compared to last year, has a real problem. Let's contact that school and find out what has caused this fourfold increase, what can we do to help."

There was none of that. The forms were submitted, and as far as we were able to tell from our investigation, put in dead storage.

Mr. RANGEL. Mr. Chairman, I can join in with an indictment of the board of education, not only for violation of the law, but also in not pointing this out to the general public.

But what could the board of education have done when, to my understanding, there were absolutely no programs in the State to deal with teenage addiction?

Mr. CURRAN. Well, I think the board of education could have done a number of things, Mr. Rangel. I think the first thing they should have done, I think they could have required that their employees, whether there was evidence of heroin traffic in schools, cooperate with the police department to apprehend the violator and remove him from school and see he was prosecuted, if that were the case, or treated through the court system of perhaps civilly.

Secondly, I think they could put pressure on the appropriate legislators and others, both in city and State government, to develop more programs. I think, for example, if the board of education started instituting civil commitments on a large scale basis, you might well have found the legislature and others would have come up with the necessary funding or at least some additional funding.

I think if they had made noise about the problem and the fact the government, city, State, or Federal, had let them down in terms of programs, and blew the whistle, you might have seen the results. You know, if everybody sits silent about a problem and doesn't try to put pressure on the people coming up with the money, the money isn't forthcoming. They did nothing, that is my opinion.

Mr. SILVER. I want to say Mr. Rangel's question is very pertinent. I think their failure to do any or all of the things that Mr. Curran pointed out comes as a result of their general attitude toward this problem. They consider this thing just a nuisance. Very often they said, "Well, that's up to the police and the parents. That's not our problem."

And when you think of their saying "This is not our problem," when the kids are in their very schools using these drugs and not able to get any education as a result of it, for them to say, "This is not our problem," indicates why they did not do any of the things they should have done.

As you said before, Mr. Brasco, they just swept it under the rug and hoped nobody would ever find out about it. But they just couldn't hide it any more.

Mr. BRASCO. May I interrupt at this point. I agree with you, Judge Silver. Mr. Rangel called it an indictment. The whole thing is absolutely scandalous and it is incomprehensible to me. I just don't understand, and that is what I was trying to get at, the reason of their apparent attitude, as I see it, of sweeping it under the rug. I would assume all of these people are at least intelligent enough to understand the problem is not going to go away.

I mean, is that all we have to look forward to. The board of education states it is not their problem and they refuse to cooperate with anyone?

Mr. CURRAN. I suppose, in fairness, to be one of the five members of the board of education in the city of New York, I think there are easier jobs, I am sure they have a lot of terrible pressures on them from a lot of different points. But I can't explain or justify this apparent lack of concern or involvement in the problem.

In response to your question, Mr. Rangel, one other point along the same line of what could be done if they had acted more properly, one of the witnesses testified before us from the city health department, one of the serious results of the lack of cooperation in terms of not furnishing names to the health department register was the narcotics register was unable to support with the figures the obvious need for expanded treatment facilities for adolescent drug users. We were told by one of the representatives, it is obvious if you don't have the data on the problem, then you are not in a strong position to try to get the help you need.

Mr. **Rangel**. But even if we recognize the heavy administrative and political pressures on the five-man board of education, what then could we say would be the pressures on the United Federation of Teachers, one of the most powerful unions in the city and State, in connection with bringing their plea to Albany and exercising that type of political clout on the legislature?

Mr. **Curran**. I have no idea, Mr. Rangel. As you know, having been experienced in narcotics prosecutions when you were in the U.S. attorney's office, and I guess since that time, I can't understand this entire attitude. The commission couldn't and I don't think the people can.

We are talking again about heroin. We are talking about really a deadly substance, spreading through the city schools, and then we are talking about people saying, "Well, I wouldn't want to go to the police because it might destroy my rapport with the students."

"We don't want to supply names because they might not be kept confidential," even though the law mandates they remain confidential. Just like tax returns.

I cannot understand the attitude and the commission found it to be disgraceful. It has unquestionably contributed substantially to the problem and now things are out of hand through the tremendous increase we had over the last 5 to 7 years. Now, of course, everybody is getting uptight about it and there is some action. The 5 years is what caused the problem, it seems to us.

Mr. **Brasco**. You were going to get into the area of teachers, you said.

Mr. **Curran**. We also looked into, as best we could, the statistics of arrests for schoolteachers and other school personnel on drug charges. During the course of our investigation we requested the board of education to provide us with a list of all teachers and other school personnel that had been arrested for drug crimes and to tell us what the disposition of these arrests had been, and also tell us what action had been taken by the board against the employees if action was warranted.

Upon receiving this request, as in connection with many of the requests we made, the board's initial comment or reaction was one of, I suppose you say, horror, that we would inquire into such a thing.

I might say parenthetically here, no one likes to be investigated. We understand that. The thrust of our investigation in this whole narcotics thing went more to the police department and law enforcement agencies. The police department, I am sure, did not enjoy all of what we were doing, but they gave us superb cooperation in terms of providing records, talking to people, everything else. The board of education's cooperation was substantially less in all situations. I mention that here, as I said, parenthetically.

There was a statement of horror, but after we kept after it for a while, we wanted, before a public hearing, to get some of the information. We pointed out, of course, we were not looking particularly for confidential information, because most of what we were questioning had to be a matter of record, public record, if you will.

They finally referred our request to the corporation counsel for an opinion, which is, I guess, usually what happens when you request anything, and the corporation counsel, as you might expect, told the board it had to come up with the board's records. The board's records—and I stress that, because we are dealing with their records, and as we pointed out, those records are not always the most reliable—the board's records show 41 teachers from the period 1966 to 1971, arrested. Twelve were working in various schools at the time of our hearing in April of 1971, and 28 others were still reported as board employees but had no teaching assignments as of that date. Not one of the 41 teachers has had his license terminated. There were 40 against which no action had been taken by the board; one teacher served 10 days in jail after his conviction in April 1968 for selling drugs.

In April of 1971, when we had our public hearing, he was teaching at a junior high school in Brooklyn.

Another teacher was convicted of illegal possession of drugs and paid a $200 fine. Following this conviction, the board of education officials told him if he became involved in any indiscretions of like kind he would be severely dealt with.

Mr. **Rangel.** Are any drugs other than marihuana in any of these charges?

Mr. **Curran.** I don't know about those two cases. I believe those two cases were marihuana. There were heroin cases included in the 41 arrests, however. At least one included in the sale of heroin.

Mr. **Brasco.** The second man, is he teaching also, the one that was going to be dealt with severely if it happened again?

Mr. **Curran.** At the time of our public hearing he was still an employee of the board of education. I do not know at that point in time, he was actually assigned a teaching position, but he had a license.

Mr. **Rangel.** Are we saying approximately 38 percent of these cases were marihuana cases.

Mr. **Curran.** I cannot say that. No.

Mr. **Winn.** Can you tell we outsiders how the board of education is selected?

Mr. **Curran.** Yes, sir. I believe the present board of education—and I stand corrected if I am wrong—each borough president of the boroughs of New York City appoints one member. There are five boroughs, or counties, in New York City. Each borough has a borough president and the borough president appoints a member to the board of education.

Mr. **Rangel.** The borough president is elected countyside for the borough.

Mr. WINN. And he appoints.

Mr. PHILLIPS. Could you tell us, for the record, their term of office? How long the board of education officials serve?

Mr. CURRAN. I believe it is 2 or 3 years. This present system, I think, has been extended annually by the legislature and I think the legislature has still—still puts at least a theoretical cutoff date on it, so the present approach has been renewed almost annually or every other year. This took place a couple of years ago.

Prior to that the board was appointed by the mayor and that was changed by the legislature 3 years ago.

Mr. PHILLIPS. Has any one of the members of the board been removed for inactivity, or mismanagement, or anything of that nature?

Mr. CURRAN. No. There was, of course, not in connection with this situation, back in 1961, this commission of investigation looked into school construction problems and following that investigation there was a report and recommendation and there was a special session with the legislature, convened by the Governor in connection with the method of selection of the board of education, and the entire board was dismissed and a new board reconstituted. Of course, that method, also, has been changed since that time.

We discovered with respect to any teacher with drug charges, whose charges were dismissed in court, the board's attitude was to take no action of any kind. The board made no independent efforts to determine the bases for the dismissals of the individual cases, or the facts, if any, of the teachers involved with narcotics and students.

And we made the point, we thought, with the board, that it doesn't necessarily follow, or certainly absolutely follow that if criminal charges are dismissed in court, for example, on the grounds of illegal search and seizure, as one example, it doesn't necessarily follow the teacher is blameless, and we asked the board about that, and they said, "Well, if the charge was dismissed in substance, that the teacher was innocent." It seemed to us you might want to apply a different standard than a criminal court judge would apply in a criminal prosecution when you are looking into administratively determining whether that person is competent, qualified, or the kind of person you would want teaching your children.

But there was no independent investigation to determine what the facts were, administratively.

With respect to nonteaching employees or nonpedagogical employees, during the period 1966 to April of 1971, 106 such employees had been arrested for drug crimes, board of education employees, and of these 106, 81 had been arrested before being appointed employees of the board of education. The crimes involved ranged from selling heroin to smuggling and illegal possession of drugs.

These employees held positions as teacher aides, youth counsel, I think was the title, various nonteaching titles of that nature.

Mr. WINN. These are all paid employees?

Mr. CURRAN. Yes; paid employees.

When we asked why these people were hired, the board of education representatives told us the employees involved were employed by local community school boards and that, although the board of education had the final say so on their employment, the board of education tended to go along with the wishes of the local boards in connection with the employment of nonteacher personnel.

No questions about previous drug arrests or the circumstances of them were asked of these applicants for employment.

Following our investigation and public hearing, we made specific recommendations for improvements in the narcotics situation, including recommendations directed to the board of education and school authorities. And in the almost 1 year since the investigation was concluded and we made the recommendations on July 6, 1971, the board of education, unlike the law enforcement agencies we had looked at, had exhibited no interest whatsoever in discussing this situation with us.

We certainly do not feel, after we conduct an investigation like this, we have all of the answers, particularly as I said, where our focus was not the board of education, it was law enforcement, but with the police we have been in almost constant communication, discussing our recommendations and discussing what we found and what we didn't find.

Practically no interest whatsoever from anybody connected with the board of education.

It would appear to be business as usual, and I think that we think tragically in the case of drug addiction "business as usual" seems to mean little or no action to combat this epidemic, in the words of Dr. Helpern.

I might say, Commissioner Murphy testified at our public hearing and we covered a lot of ground with him, of course, and he with us, but he did comment upon the board of education's school administrative role, or lack of role. I want to quote a little bit of his testimony. He said:

> Perhaps the most troubling disclosures during the hearing this commission has held have demonstrated a pattern of ostrichlike noninvolvement by some school administrators and teachers. We know now drug dealing is carried on from the grades to the universities. The problem is much greater than such deficiencies in our educational process, of course, but the opportunity to at least detect and treat them frustrated by failure of some in the school system to come to grips with its critical responsibilities.

That is the sworn testimony before us of Police Commissioner Patrick Murphy.

I might say, Mr. Chairman and gentlemen, in conclusion, that the attitude, we believe, of the board of education and certain school officials and teachers toward the heroin traffic and their refusal to cooperate with law enforcement, has made at least in the past many schools sanctuaries for heroin sellers. It has unquestionably contributed to the spread of addiction among the young in New York City.

The problem of addiction has been mishandled, as if it were not a serious one. Their attitude in the past years has resulted in today's crises. Yet the most shocking thing of all, during the public hearing of 1971 and even thereafter, there appeared to us to be still no sense of urgency about this problem, and the really devastating impact it is having on the youngsters of our city.

Much more must be done to help student addicts, and equally important, all school authorities must begin to cooperate with law enforcement, so that those who sell heroin in the city's schools and thereby contaminate others, are arrested and convicted for the serious crimes which they are committing.

That completes my statement, sir.

Mr. **Phillips**. Thank you, Mr. Curran.

One of the areas I think you looked into was the area of treatment and rehabilitation. Are you prepared to discuss briefly with us what you found in treatment and rehabilitation programs which were privately run; not under the jurisdiction of the board of education?

Mr. **Curran**. We made certain recommendations and we took, what I would call "an overview" of that situation, because it was not, strickly speaking, law enforcement. We looked at ASA, the city's overall program, or direction, at least, and the NACC, the State program. We found that there were probably some good results being obtained in both but there were also apparently a lot of deficiencies.

We found with respect to the ASA program, the city's program, that up until at least right around the time of our public hearings, there had been very little monitoring of what was going on, and where the money was being spent, and what was happening to the people who were part of the program.

In one situation, as I recall it, in one of the programs they handled, several thousand had gone through the program and they were only able to find 181 who had completed it and could be called successfully, and 82 were still working in drug programs, and the other 81 so-called graduates, the authorities really don't know what happened to them.

We found that overall there was a lack of coordination among the drug programs and there was a lot of experimentation. But I suppose, given what is known about narcotic addiction, or what is not known, I suppose that is inevitable.

Mr. **Phillips**. Did you find the board of education was instituting any program or any research in relation to a program, which was going to assist some of these children who were just getting into drugs?

Mr. **Curran**. We did not get into that very deeply, but our understanding was at the time of the public hearing they set up a program whereby each school would have a narcotics coordinator, and they were starting to experiment with a number of different programs, involving group therapy, "rap" sessions which they talked about, and other approaches, most of them involving outpatient treatment.

Most of them, as far as I recall, not involving formal program or treatment such as methadone or trying to put them into NACC, or something like that.

Of course, I suppose part of the problem of treatment was the fact, the underlying assumption seemed to be, or the fact was, the board of education and the school administrators and officials seemed reluctant to recognize that narcotic addiction was a problem in the schools, and I suppose the first logical step before you start talking about programs is to face up to the magnitude of the problem. Because maybe the programs will undoubtedly have to dovetail with the problem and perhaps even be shaped by the problem. I suppose if you have denied addiction in the New York City school system, that is one thing.

If you have 5,000, that might be another. And 36,500 or more, you may even have two different kinds of programs and perhaps more drastic ones.

Mr. Brasco. I am wondering whether or not you looked into—and I appreciate you prefaced your remarks several times by saying it was a law enforcement investigation—whether or not you looked into, in any way, shape, or form, the effect of having the student addict in the school in terms of his effect on the learning ability and stability of the school as far as the other students were concerned?

Mr. Curran. We talked to a number of doctors and, of course, to law enforcement people. I spent some time with narcotic law enforcement people. I think everybody knows and recognizes, both medical and other kinds of people, narcotic addicts beget other addicts. It is generally recognized, I think, to be pretty much a communicable and contagious disease.

I think it is evident to anybody that the more addicts you have in the schools, more addicts are undoubtedly being created among the present nonaddicts.

Mr. Brasco. So you would agree with something that I threw out before, that when they are identified they should be taken out of the body of the healthy population of the school and treated and educated at a different facility?

Mr. Curran. I don't pretend to be an expert on narcotic addiction and how you handle addiction generally. It does seem that, given the magnitude of the problem now, if you are going to protect the nonaddicts, you do something about the known addicts' education. By way of program, if you take them out and put them somewhere, there are so many, you may have to create a new city or entirely new school program, from the figures given.

Mr. Brasco. Interestingly enough, I always detect when I ask that question, an undertone of the general feeling that we are doing something less than human, when we say maybe we should take them out of the schools. It just seems to me, as I have indicated before, if you have a kid that has measles or diphtheria or any other communicable disease, you don't let him go to school.

Educators would be the first ones to agree on that. Now you have something communicable and not curable at this stage of our history, and I don't understand the change in attitude.

Mr. Rangel. Yes, but I think he responded it could very well be that the creation of a new school district might be one of the answers, where the type of preventive, psychiatric and supportive services necessary are available.

What I do not understand is how in God's name can the board of education demand a budget for any type of rehabilitation services when they deny they have addiction.

Mr. Curran. I think that is the problem. But in terms of what you said, you know, it is not that I am reluctant to discuss it, I am just not sure I have the kind of expertise that goes with it.

I will point out a practical problem with that. The NACC program, which some people have called a failure, as far as we can tell, or I can tell, at least, has succeeded better than any other program that has been instituted in New York State today, handling in the whole course of its history, some 10,000 or 12,000 addicts, something like that.

That was started in 1966 or maybe 1967, after it got working, up until 1971. And I suppose the problem with what you suggest, Congressman, apart from anything else, was a very practical one. NACC had to do a lot of tooling up and spent an awful lot of money and ultimately, I guess the legislature cut some of its budget because of the tremendous cost involved. And yet they handled maybe 15,000 addicts throughout the time of their existence and I suppose, if you have a real problem, in what you suggest, just in getting the facility and the people to handle such an operation——

Mr. Brasco. Just to finish off on the first thing. I agree with Mr. Rangel. If the board of education came forward and related to the magnitude of the problem and came forward with programs of their own, I suspect the legislature would come up with the money.

But getting back to something else. During the course of your hearings I am wondering whether you found that there was a great amount of absenteeism in the schools as the result of the money problems, which would mean that if you are talking about a school that has 25 or 30 percent absent, the money that they get is cut back further or do they receive money for the children who are enrolled but not attending?

Mr. Curran. As I understand the State formula, it is weighted average daily attendance. School aid, to some measure at least is determined by that weighted average figure.

Mr. Brasco. Is there any other measure that determines how much money is given; *x* amount of students registered and they get aid based upon the number that are registered at the beginning of the year?

Mr. Curran. Yes. I believe that State——

Mr. Brasco. I understood there was.

Mr. Rangel. It is a combination of that. As a matter of fact, the community school board in a community such as mine is against the attendance record being a formula because they have a very high absentee rate. But there is no question, one of the formulas does——

Mr. Brasco. They may object to it, but it seems to me they are getting money for the schools based on a register. I am wondering what happened to the money. If you have the money without the students and you have the teachers, and I assume there is one assigned to each class, it seems to me you would have more teachers and more money in terms of some schools.

Mr. Curran. I don't know.

Mr. Rangel. Mr. Curran, you were talking about certain programs that schools had in connection with rehabilitation. And then your chart indicates they had not reported any addicts at all. Must not the school have reported to somebody? You were talking about the success cases. They first had to say they had some cases. There are two separate forms. So is it probable that a principal would be telling the State that he had 200 addicts to deal with and telling the board of education he had none?

Mr. Curran. No; these are forms that were submitted by the schools to the board of education. Some schools did have programs and those schools, as I recall in the main, at least, reported, at least our reports reflected a problem. Some schools, which obviously had a problem, would report no problem, and those schools in the main had no programs. The schools had someone designated as a narcotics coordinator, but that coordinator in most cases had no training and his job was to do the best he could, given the kind of support he got from that particular school, and I suppose it depended largely on that school's attitude.

Mr. **Silver**. Some schools made no report at all and nobody says, "Where is your report," which indicates they did not do anything about it.

Mr. **Rangel**. Your commission has done fine work, and there is very little, if anything, that has been done by the board of education.

Isn't it at all possible that perhaps one of your staff members could work with this committee as we continue to press this point, in order to find out answers, so regardless of whether we are dealing on a Federal or State level, we can get back to our citizens and let them know what is being done?

Mr. **Curran**. Surely, As a matter of fact, our commission, both I and commission staff members, have worked closely with this committee in the past. We worked rather closely with Paul Perito, in connection with narcotic paraphernalia. We had some legislation enacted in New York dealing with paraphernalia and helped make a couple of pretty good Federal cases, working closely with your staff. We would look forward to continuing that relationship in the future.

Mr. **Rangel**. I was really talking about the next couple of days.

Mr. **Curran**. We are available.

Mr. **Brasco**. Was there any effort to ascertain the reporting of incidents of violence in the schools as they might be related to drug abuse problems?

Mr. **Curran**. We did not look at that. Again, the schools really, in terms of our investigation, were somewhat incidental to the larger areas we were looking at, which were the police, prosecutors, and the courts.

We went to the schools because there was obviously significant drug traffic in the schools and we wanted to see in general terms what was going on. But that was not our focus.

Chairman **Pepper**. Mr. Curran, I just requested a member of the staff to check on what, if any, Federal programs are now available to help the States and local communities in treatment and rehabilitation programs in the schools.

As I recall, we have a drug education program. I think the Federal Government appropriated some $20 or $30 million a year for putting on films and providing literature, the design of which is to try to prevent drug addiction in the schools. But if we don't have any such programs, I think the educational authorities should address the matter to their congressional representatives or congressional committees. The Congress is definitely so strenuously trying to do something about the drug problem. That is one of the reasons we are making this inquiry. What is the problem and what needs to be done; what is being done, and what more can the Federal Government do to help?

Now, you take New York City. While in other parts of the country we have a lot of problems, you have the greatest number of heroin addicts to be found anywhere in the country. Estimates range from 200,000 to 400,000 addicts in New York City. Surely, the school authorities recognize these youngsters are coming out of the schools in a little while, and if they come out of the schools already addicted or already experimenting seriously with drugs, they are just going to add to the drug population. Schools would be certainly a good place to try to stop the addiction, stop the number from increasing in adult population.

It would be economic to try to stop it at its inception and try to deal with it now rather than deal with it when so many more become hard-core addicts. That is the reason it is astonishing to this committee, I am sure, that these school authorities have done so little about it.

Mr. CURRAN. Mr. Chairman, we would hope your Select Committee on Crime and these hearings which you are holding today, and I understand the next 2 days, will help to accomplish precisely that, perhaps by bringing the auspices and indeed the pressure if I may, of the Federal Government to bear upon the inaction that has gone on in the past.

Mr. PHILLIPS. What would you recommend be done by the board of education? Are they just incompetent; should they be replaced? The information you gave here is of someone totally ignoring a serious problem and doing nothing about conditions brought to their attention.

Mr. CURRAN. As I think I testified, I can't understand the attitude. I am certainly, speaking as the chairman of the commission, not about to make any recommendations with respect to how one selects the board of education. We have enough difficulties in law enforcement problems, without getting into that. We do not understand their attitude, their lack of sense of urgency.

How you instill that, I don't know, but maybe your hearings and the attendant publicity and your probing questions will help to change it. I don't know what the answer is. It is a horrible situation.

Chairman PEPPER. I would like to make this comment: I think a part of the problem is the general sense of frustration in the country as a whole. Governor Rockefeller told some of us on this committee when we conferred with him on our way up to Attica, that this State has spent, I believe he said, three-quarters of a billion dollars on drug programs and yet he said, "We haven't accomplished a great deal."

Now, we also have brought out in some of our hearings that New York State has spent hundreds of millions of dollars and the Federal Government has given them very little assistance. So they, in a way, have taken a leap far ahead of the Federal Government.

All over the country you find similar situations, and we have not provided treatment and rehabilitation facilities. We have just created the Special Action Office for Drug Abuse Prevention and they have gotten $200 or $300 million to develop on a pragmatic experimental basis, a program to find out what methods are working and offer encouragement and help. The truth is that the whole country, the State, local communities, and the Federal Government, have hardly touched the magnitude of this problem.

It is going to take an awful lot of money. It is going to take a great deal of effort, and a lot of personnel. It is going to take intelligent programs and a lot of time.

They haven't known what to do. Methadone is objectionable to a great many people. At our hearings 2 or 3 years ago we had Dr. Dole, who, with his wife, developed methadone. He testified.

We had other doctor's testimony that methadone is really appropriate for about 30–35 percent of the addicts. I was wondering today, when Officer Spinelli was testifying, why some of those youngsters didn't die from taking methadone, because we have had testimony that many young people, who were not heroin addicts and therefore had developed a tolerance, died when they took appreciable amounts of methadone.

Methadone—which is addictive, which is itself an opium, which has possible certain side effects—has to be taken the rest of your life.

This committee has taken the initiative in stimulating research in trying to develop better drugs—that are long lasting and nonaddictive. A little progress is being made. It might well be the States should enact legislation to cover involuntarily civil commitment of identified addicts.

If arrested, tried, and convicted they could be taken into custody and given the best treatment available, instead of trying to rehabilitate themselves by their own methods.

Mr. Winn. You mentioned you thought the schools, in some cases, were sanctuaries. I think that is a pretty good description from what we have heard here this morning.

I want to ask you a question about how much of the information you have available in your charts and your reports has been used in the press for investigative articles, editorials? It is pretty obvious, by the lack of attendance by the press right now, compared to a hooded officer this morning, they are not interested in this phase of it, which I think is too bad.

Mr. Curran. Sir, when we held our public hearing in April of 1971, the media covered it. We do not under our rules permit live television or radio coverage, but the newspaper people covered it, and there was at that time considerable publicity given to what we were developing.

Of our 10 days, 2½ days were devoted to problems of police corruption and, as you might imagine, that received most of the publicity, as I guess it always will.

I testified with Judge Silver before the Knapp commission on that aspect of the problem. But I suppose what is lacking is the followup kind of thing, and I do not know how one deals with that.

We submit our reports to the legislature and to the Governor under our statute and we find whenever we have an investigation, whether it is something like this, or in Troy, N.Y., or Yonkers, N.Y., or wherever, there is considerable flurry of publicity at the time. But one of our main problems is to try to see to it what we have found out and perhaps the remedies are pursued over a longer period of time.

Mr. Winn. You remarked that 41 teachers were arrested for the selling of drugs.

Mr. Curran. On drug crimes that would include possession or sales.

Mr. Winn. I believe we heard there are 55,000 teachers. This, on the face of it, would make it look like 41 out of the 55,000 is not too bad an average. But I am sure there are a lot more than 41 involved, some way or another. I, again, do not mean to be critical of the teachers, but like the students, you have a high percentage that are not detected and no one does anything about it, if they do know about it.

Would that be true? Do you think that to be true?

Mr. Curran. Yes, sir. I think it is fair to say that obviously not everybody who commits drug crimes is arrested. So if we follow that general proposition, it is safe to say if 41 were arrested, others were involved. As I said, when I gave that figure, it is from the board of education's own records, and if it bears any relation to some of the other records they keep, it might not be entirely accurate.

The point we are trying to make, of course, and I thought was that after these people were arrested and charged, the board of education took the position they would await the outcome of the criminal charges, and in those cases where the charges were dismissed in court—and most of them were—there was no investigation administratively by the board of education to determine the facts in the particular case to see if the underlying facts warranted keeping the person on as a schoolteacher, regardless of whether the criminal charges were dismissed, or not. I suppose you might have a case where a teacher was convicted and perhaps should be, and retained, but certainly there may be cases where the criminal charge was dismissed, but nonetheless the teacher should be dismissed the same day, depending on the circumstances.

Mr. WINN. Is there a shortage of teachers in New York City?

Mr. CURRAN. I understand not at the present time. I think there is a surplus.

Wr. WINN. I am interested in the method of supply of these drugs. What are the sources, in your opinion, of the drugs students are getting, and also the ones that the teachers are getting? Are you knowledgeable on that subject?

Mr. CURRAN. From what we have seen of the situation, the sources are the same as out on the street, generally. The drugs come from overseas, they are imported and broken down and distributed, and they get down to the street level, where normally you have addict sellers dealing in $5 maybe $10 quantities, in decks or bags.

We found no difference in connection with who is selling the drugs in the school than just selling on the street, generally. Indeed most of the people sell inside and outside, just depending on where the action is at a particular time.

Mr. WINN. We hear a lot about the outside element trying to get to the United States through the schools. Do you think that is one of the possibilities, one of the sources?

Mr. CURRAN. I am not quite sure I understand the question.

Mr. WINN. Well, outside, anti-United States? By Communists?

Mr. CURRAN. We have no evidence in connection with the drug traffic in New York City in schools, certainly, or drug traffic generally, it is to any significant degree part of a Communist conspiracy.

Mr. WINN. How about underworld?

Mr. CURRAN. Very definitely.

Mr. WINN. Any doubt about it?

Mr. CURRAN. I have no doubt about it. I think organized crime is heavily involved, as they always have been. The same Corsicans operating in South America, as your committee knows, are certainly involved. They have never left the business. Some have been in it for 20 or 30 years. I have no doubt about it, at all.

Mr. WINN. Do you think their power in this Nation is such that some of our enforcement officers and some of our "board of education" types of boards, are afraid of these pressures?

Mr. CURRAN. It is hard for me to believe that boards of education, schoolteachers generally, would be afraid of that kind of pressure. I suppose anything is possible. I would think that there are undoubtedly problems, or have been at least problems, in the enforcement area, when you get higher up into those echelons. But the drug traffic in the schools, in the main, certainly involves very low echelon traffic. Many times addicts—but we are dealing in $5 bags, and that traffic, itself, is certainly far removed from the organized criminals who are the importers and high-level distributors.

Mr. WINN. I realize that, but the big names and the people the FBI watch are not going to be standing around on the street corners. I think they are all close to schools. But there is some type of system we ought to be able to follow right up the ladder because somewhere it gets up to a certain part of the organization's element, that part that deals with trade and traffic in narcotics.

Mr. CURRAN. Yes, sir. I certainly agree with that.

Mr. RANGEL. It is tragic. Mr. Winn, but the FBI does not see fit to get involved in surveillance of narcotic traffickers; I think it is a tragedy.

Mr. WINN. I would agree with you on that.

Mr. CURRAN. As I understand it, by statute the narcotics enforcement is in charge of the Justice Department's Federal Bureau of Narcotics and Dangerous Drugs, and to a limited degree, the Customs Service.

Mr. WINN. Thank you, Mr. Chairman.

Chairman PEPPER. Mr. Mann, any questions?

Mr. MANN. Yes, sir.

There used to be a time when parents, or parent groups, were concerned with the education and conduct of their children. I have some indication here that they are concerned with suppressing any public effort to expose this drug traffic in schools. What is your impression concerning that situation?

Mr. CURRAN. Well, it is really—"impression" is the right word. It is an impression. I think that is an overstatement. I do not think that is accurate.

I think from our conversations wtih people affected by the problem, during our investigation, led us to believe that parents, in the main, where they had any interest at all in anything, are vitally and desperately concerned about the problem and want to do what they can to help.

Indeed, we detected in our investigation of narcotic law enforcement that in the ghetto communities, perhaps for the first time, there seemed to be some evidence that the people in the communities were becoming terribly concerned about the problem of heroin traffic and in many respects were starting to take action. At least in terms of reporting or doing things, which I think maybe a few years back you would not have seen happen in any community in connection with law enforcement.

I think that parents, where they are concerned about anything, as I said, involving their children, are desperately concerned with the problem. They see what is happening, it is destroying families and making vegetables out of human beings.

Mr. MANN. It would seem, after all, the PTA, or parent associations, are organized on not just a school-by-school basis, they are regional, citywide organizations. It would seem a concerted effort by such groups might get some action from the board of education as versus other school officials.

Mr. CURRAN. I think from what we have seen, there could be more of that. I think it would be helpful if parent and teacher groups, parent organized or universally organized, started to put more pressure on their community school board and central board and you had teachers to try to turn this tide. I think there definitely could be more of that kind of pressure.

I suppose the problem is the average parent is working, he is not that organized, not that knowledgeable, he is taking on the system, and when you take on this particular system you are really taking on something, because the board of education is pretty tough to move.

There is one example and you may have testimony about it. There was a newspaper story fairly recently, about a year ago, where certain students in a particular high school seized a school guard and held him for the police on drug selling charges and turned him over to the district attorney. These were students within the school who took the law into their own hands. The district attorney said he had mixed emotions about it. It was vigilante action, but it was obvious to him the kids were more concerned than the school authorities. They held him for the police. They made, in effect, a citizen's arrest. The school authorities hadn't done it, the kids did it. It was heroin, he was selling. I think there is, maybe, more a feeling out among the students and parents than there is among the officials.

Mr. MANN. Thank you, sir.

Chairman PEPPER. Mr. Rangel.

Mr. RANGEL. I just want to thank the entire commission, not only for their testimony today, but for what they have done for the people in the State in the past. Thank you.

Chairman PEPPER. Mr. Curran, it seems to me what you intimate would be so desirable, that if the school principal, school authorities, particularly under the direction of the school board, were to say, "We are going to clean up drug addiction in the schools of this great city," and let the principals come before the students, and let them know they are going to do it, they are going to find, by every method they can, those who are suspected, and they are either going to be suspended from school or turned over to the authorities. Instead of frowning upon undercover agents and police offers offering assistance, invite them in. Tell the students, "We are going to bring the police in if we don't get some action here," and then try to arouse them. If they have student governments, they should get with the leaders, the athletes, whoever the students are that are the leaders and get them on their side to help police the school.

An enormous amount of good could be done in that way if they take the leadership, because they are shying away from it.

You have done a magnificent public service. I do not know if any other State has had an investigation as you have provided here.

Mr. CURRAN. In the area of narcotics, sir?

Chairman PEPPER. Yes, sir.

Mr. CURRAN. Not that I know of.

Chairman PEPPER. Was it the Governor who appointed your board?

Mr. CURRAN. The Governor and the legislature, two commissioners appointed by the Governor, one by the president pro tempore of the senate, and by the speaker of the assembly.

Chairman **Pepper**. I want to commend the Governor and the legislature for this magnificent leadership you have given in focusing public attention on the problem. I hope this can be made available to every State in the union. We will do what we can do, too.

Mr. **Winn**. Mr. Curran, I believe you said you investigated the effectiveness of law enforcement in drugs.

Mr. **Curran**. Yes, sir.

Mr. **Winn**. What did you find?

Mr. **Curran**. That it was a failure, briefly.

Mr. **Winn**. That is good enough.

Chairman **Pepper**. Mr. Silver, any comments?

Mr. **Silver**. No, sir.

Chairman **Pepper**. Mr. Fisch?

Mr. **Fisch**. No, I do not.

Chairman **Pepper**. Gentlemen, we certainly do thank you. You have given us a magnificent body of information.

Mr. **Curran**. Thank you again, Mr. Chairman, and members of the committee. As we said, our staff is available to your staff and hope to work successfully, as indeed we did in the past.

Chairman **Pepper**. Thank you. We are going to continue to work with you.

(The following material was received for the record:)

STATE OF NEW YORK COMMISSION OF INVESTIGATION—RECOMMENDATIONS OF THE NEW YORK STATE COMMISSION OF INVESTIGATION CONCERNING NARCOTICS LAW ENFORCEMENT AND RELATED PROBLEMS IN THE NEW YORK CITY METROPOLITAN AREA, JULY 6, 1971.

INTRODUCTION

The Recommendations set forth herein stem from the Commission's investigation and public hearing of narcotics law enforcement in New York City. This investigation began in March of 1970 and the public hearing concluded on April 22, 1971.

Following the Commission's public hearing, significant executive and legislative action was taken by the Governor and Legislature in recognition of what has been clearly a breakdown in narcotics law enforcement. First and foremost has been the legislation enacted last month which establishes emergency narcotics court program with centralized prosecution of narcotics felony cases in New York City. Two other narcotics bills, drafted by the Commission, were also enacted into law.

In addition, certain remedial measures have been taken by the Police Department as a result of the Commission's investigation and public hearing. The Police Commissioner has responded to this Commission's disclosures of serious problems and deficiencies in narcotics law enforcement, and has demonstrated his determination to clean house. On the other hand, it does not appear that the Board of Education has undertaken any action to correct its past failures with regard to the serious drug problem in the city schools.

The Recommendations which follow are as of April 22, 1971 and, as noted, although some may already have been implemented, the great majority are still pertinent and require the immediate and urgent attention of those concerned.

A. THE NEW YORK CITY POLICE DEPARTMENT'S NARCOTICS DIVISION

1. The Narcotics Division of the New York City Police Department has operated on the basis of a quota system for narcotics arrests. This quota system has been a major factor in the Division's poor record of narcotics law enforcement. It should be ended immediately. Arrests, standing alone, are meaningless and the arrest quota system has simply encouraged police to make the easiest

cases and therefore to arrest in the main the lowest echelon violators. The men of the Narcotics Department must be afforded ample opportunity and sufficient time to pursue investigations so that quality arrests with successful dispositions will be made. Effective enforcement only begins with an arrest and the sole measure of true effectiveness is ultimate disposition, not number of arrests.

2. The Narcotics Division must change its enforcement approach. It must devote its major attention to making good cases on higher level violators. The present focus on the lowest echelon of street level violators constitutes a waste of time, money and manpower and represents ineffective law enforcement technique. A single arrest and conviction of a substantial distributor at the factory or higher level will do more to disrupt the heroin traffic than scores of arrests of street-level addict-pushers. It will also take far more heroin out of circulation than the present approach.

3. In order to "move up the ladder" from the street violator to the factory and wholesaler, sufficient money must be made available for "buys." More selective use of informants and more demanding standards before offering a potential informant consideration must be established. Generally, a defendant arrested for a narcotics crime should be utilized as informant only if he can produce a more significant narcotics violator. The use of informants whose information and activity lead to no more than additional defendants at the same or a lower level should be curtailed.

4. The Undercover Unit should be enlarged. In addition to adding more men to this Unit, there is need for additional black and Spanish-speaking personnel.

5. Many deficiencies were found to exist in the operations of the Special Investigation Unit (SIU). The operations of this highly sensitive and important Unit require improvement along the following lines:

(*a*) SIU must be given its own base radio communication system so that effective communication will be possible between car and base and individual automobiles engaged in surveillance work. This has been promised publicly for at least the past five years.

(*b*) Other equipment shortages must be eliminated. Additional cameras, walkie-talkies, binoculars, automobile "beepers" and other equipment and essential tools must be provided. Adequate money, under proper control, should be made available where needed.

(*c*) The Department must make available automobiles which are capable of effective surveillance work. The establishment of an automobile pool, or the use of confiscated automobiles should be explored. The present method of SIU officers utilizing their own cars casts an unfair burden on the officers and has not been effective.

(*d*) SIU should coordinate its activities more closely with the Federal Bureau of Narcotics and Dangerous Drugs and other law enforcement agencies.

(*e*) SIU should develop a more effective and sophisticated method of target selection, similar to the Federal procedure. The current SIP approach prevents the Unit from operating as productively and as efficiently as possible.

(*f*) The "buy and bust" operation of narcotics purchases automatically eliminates the possibility of "climbing up the ladder" and reaching the upper echelons of drug criminals. Adequate resources must be provided so that this restrictive and ineffective procedure can be by-passed in appropriate cases.

6. Supervision by superior officers is deficient due to both the inadequate number of superior officers assigned to this Unit and to their own lack of field experience in narcotics enforcement. These deficiencies should be remedied.

7. The dispositions of arrests should be closely monitored on a regular basis by superior officers. This will provide for a more accurate analysis of each officer's performance. As stated above, there must be an end to reliance upon mere arrest figures. Arrests should be examined to determine whether they resulted in convictions and whether the convictions were of reduced charges or on the original felony arrest. Where a felony arrest results in reduction to a misdemeanor charge, the reason for such should be ascertained. Performance, moreover, should be evaluated on an individual basis, not on a team basis. A weak and ineffective police officer assigned to a three-man team should be judged on his own performance and not be "carried" by his more effective and vigorous team partners.

8. It is currently possible for several narcotics teams to be investigating the same suspect. This approach has been characterized by more than one police officer as a "dog eat dog" approach. Narcotics investigations should be coordinated insofar as possible to eliminate this kind of wasteful duplication of efforts.

9. Criminal intelligence in the narcotics field must be improved. The Narcotics Division should strengthen its exchange and coordination of such information with the Intelligence Division and with federal authorities. Such intelligence should be constantly updated and circulated among narcotics officers. For example, all narcotics officers should be familiar with the "Major Violators" book maintained by SIU.

10. Police should keep abreast of and seek information concerning purchases of extraordinary quantities of packaging and diluting paraphernalia and materials, such as glassine envelopes, gelatin capsules, quinine, mannite and mannitol and the like.

11. There should be an end to indiscriminate drug loitering arrests.

12. Police reports should include the names of every person found in an apartment or premises at the time a search warrant is executed and of those who enter during the course of such a search, regardless of whether such individual is arrested or not.

13. There should be a review of every search warrant which does not, upon execution, result in arrests or seizures of narcotics.

14. The present analysis of narcotics by the Police Laboratory has been criticized by narcotics officers as ineffective. There is presently no qualitative analysis of drug purity which means that police officers may be unaware of the importance in the narcotics traffic of persons they have arrested. There are also delays in getting laboratory results which are due to a shortage of clerical help as well as qualified chemists. It has been reported that the starting salary of chemists is lower than that of a patrolman and that this has made it difficult to recruit competent professional personnel. The operations of the Police Laboratory in relation to narcotics work must be improved.

15. Improvements are necessary in the handling of narcotics contraband seized by officers in the course of arrests. The chain of possession should be maintained properly in all cases.

16. The Department should provide greater incentives to its members for quality arrests and convictions.

17. Greater effort should be made to arrest individuals supplying drugs to persons under 21, a Class B felony.

18. Police efforts in schools must be improved. There should be greater coordination of police activity in educational institutions so that a meaningful law enforcement program can be developed. The present approach is disorganized, inadequately directed, and varies from police officer to police officer and from school to school.

19. Police should report to school officials the arrest of school personnel and students on drug crimes and these cases should be closely followed.

20. The police should establish a closer working relationship with the Medical Examiner's Office and should interview relatives of children who have died from drug "overdose" in order to learn where such drugs were obtained.

21. The police should follow up the activities of defendants arrested for narcotics crimes but released on bail awaiting trial. At the present time, persons released on bail usually feel an immunity from further arrest and increase their illicit narcotics activity.

22. No police officer should be involved in any investigation on other than an official basis and only with the knowledge and approval of a superior officer.

23. A meaningful effort should be undertaken to relieve the police of unnecessary and burdensome administrative duties, such as paper work and unnecessary court appearances where adjournments can be anticipated.

24. Narcotics arrests of persons receiving public assistance, or living in public housing, or in public employment, should be reported to such appropriate agency so that a review may be undertaken to determine the individual's eligibility for continued public assistance, housing or employment.

25. The police must be encouraged to arrest persons who offer them bribes. Officers who make solid bribery cases should receive proper recognition from the Department. Where a bribery arrest is made, there should be a close review of the defendant's prior arrest record and a review of the performance of police officers whose prior arrests of this individual led to dismissals or reduced charges.

26. In appropriate cases, just as he has done recently, the Police Commissioner should make known publicly his displeasure with other agencies of the criminal

justice system or of government generally for their failure to fulfill adequately their duties and responsibilities.

27. The Police Department's attitude toward the Narcotics Division should be changed from that of mere "training ground" for detectives to recognition of this Unit as an essential law enforcement branch with high morale and commitment. The Division's men must be recruited in other than routine fashion, specially trained, and highly motivated. An esprit de corps must be developed so that narcotics work will be regarded as a favorable assignment. In this regard, the policy of transfers out of Narcotics Division following two or three years of duty should be re-examined. The Division should strive to retain men with experience who have demonstrated their ability and dedication to this area of work. Excellent performance in this most difficult field of law enforcement should be recognized by quicker promotions and advancement. Other incentives should also be considered.

28. Training of narcotics officers must be expanded and improved. There should be greater instruction in the laws relating to search and seizure and to arrest, as well as the usual police and investigative training. As many narcotics officers as possible should attend the courses now run by the Federal Bureau of Narcotics and Dangerous Drugs.

29. There should be a prompt retrospective review of the arrests and performance of any officer who becomes involved in misconduct. This analysis of his past performance should include examination of arrests which led to dismissals and reductions.

30. Team partners and superior officers should bear appropriate responsibility and be held appropriately accountable for misconduct of fellow officers.

31. Every narcotics case resulting after arrest in an acquittal or dismissal on the basis of an officer's weak or changed testimony should be examined carefully.

32. There should be a re-examination of the methods and procedures used in investigating corruption complaints. Such investigations should not be done by local precinct commands. The department should also facilitate procedures whereby an officer who has corruption information may by-pass his immediate commander and go directly to the Internal Affairs Division. Police officers should be commended for reporting misconduct by other officers and everything possible should be done to facilitate such reporting and to act effectively on the information received.

33. Police officers should be required to report such expressions of unusual interest in a case by fellow officers, as requests for leniency for a defendant and allegations by a defendant that he is an informant for another officer.

34. There should be a review of discrepancies which are found between the amount of narcotics reported by an arresting officer and the findings by the Police Laboratory.

35. The Commanding Officer of the Narcotics Division testified that he is not consulted with regard to the assignment of supervisory officers to his unit. It would appear that he should be more closely involved in departmental narcotic policy decisions, particularly assignments involving his unit.

36. The investigation of complaints against police officers should be begun and concluded as promptly as possible. Where administrative hearings are held on such charges, the result should be determined within thirty days after the hearing is closed.

37. Corruption in any form and in any branch of police work is reprehensible, but it is particularly heinous in the area of narcotics. Every police officer must be reminded constantly, that he has the duty and responsibility to report any information or suspicion of misconduct to appropriate police officials. The honest policemen must do more than merely protest disclosures of police corruption with the self-righteous claim that the vast majority of police are honest, and that the corruption reported only involves a small number of men. Police corruption nourishes on the indifference and unwillingness of honest police officers to come forward and stand up and be counted. The tide must be turned and a climate created where the dishonest policemen will fear the honest fellow officer, rather than the honest policeman being afraid to report the corrupt ones.

B. PROSECUTORS AND THE COURTS

1. Narcotics arrests should receive priority in processing for trial; evidence should be presented to grand juries without delay; these cases should be assigned to judge who will handle all aspects, including preliminary motions, as well as the trial; except in special circumstances, these cases should be brought to trial

within ninety days of the date of arrest, whether or not the defendant is in jail in lieu of bail. In this regard, dilatory tactics by the defendant or his counsel should not be tolerated.

2. Only in special situations should any reduction of the felony charges be permitted.

3. Upon conviction of a defendant, judges should impose substantial prison sentences and, indeed, when appropriate, the maximum.

4. In order to reduce the volume of cases and the resultant burdens on district attorneys and the state courts, consideration should be given to channeling certain of the more serious felony cases into the Southern and Eastern District Federal Courts. This would require federal and local cooperation. Federal prosecutors and courts in these Districts do not now have the volume of narcotics cases which they had in the past. Moreover, federal laws provide for adequate sentences and no "plea bargaining."

5. Efforts should be made to prosecute persons guilty of supplying narcotics to minors, a Class B felony. Where a solid arrest for this crime is made, there should be no reduction of the charge and maximum sentences should be imposed.

6. Consideration should be given to a proposal made at the Commission's public hearing that an arrest of a person for the sale or possession of over one pound of heroin, a crime punishable by a sentence of life imprisonment, should be treated as a capital case and no bail should be allowed.

7. A greater effort should be made to prosecute criminally police officers involved in misconduct and corruption. The temptation to seek the easy road of permitting an officer to resign or plead guilty to administrative charges should be resisted.

8. District attorneys should report to police officials cases of suspicious arrests, weak police testimony and affidavits, and consistently poor arrests by particular police officers. Prosecutors should prod police to bring into court better made cases involving higher and more significant narcotics violators.

9. Prosecutors should not approve the use of a defendant as an informant, with attendant prosecutive consideration, unless he can produce information leading to the arrests of more significant drug violators. Prosecutors should not permit the use of informants who will produce no more than a low level defendant.

10. Prosecutors should scrutinize more carefully applications by the police for search warrants and review on a regular basis the results of the execution of such warrants. This approach has been utilized in one county with satisfactory results and should be extended to other counties. In this connection, it should be stressed that the Commission is not recommending that prosecutors deny legitimate applications for search warrants or that they make it more difficult for the police to obtain such warrants where their applications are legally sufficient. By the same token, the police have complained to the Commission that in some jurisdictions it is almost impossible to obtain the approval of district attorneys for their applications for wiretapping orders.

11. The dismissal of a corrupt officer from the Police Department, or his conviction of a crime should not automatically terminate such cases. A thorough investigation should be conducted to determine the extent of the corruption and whether other officers are involved. Greater utilization should be made of calling such persons before grand juries, granting them immunity after sentences have been completed in order to compel them to give testimony concerning the full extent of these corrupt situations.

12. Prosecutors should make known, publicly, as often as may be necessary, their displeasure with the courts for discouraging and frustrating effective police work by unjustifiably lenient and meaningless sentences, and unreasonably low bail and should resist excessive judicial pressure to accept reduced pleas for the sole purpose of clearing court calendars.

13. Prosecutors should report to the Narcotic Addiction Control Commission (NACC) the names of NACC physicians who cannot sustain their medical certification of addiction at trials and under cross examination.

14. Prosecutors should make greater use of the criminal commitment provisions of the Mental Hygiene Law and not concede, as a matter of policy, non-addiction in order to avoid going to trial.[1]

15. There should be improved coordination between the various bureaus of district attorneys' offices so that narcotic information which appears in connec-

---

[1] As this report is being prepared, NACC is presently not accepting further admissions. However, the Commission has been advised that this condition is temporary and that NACC will shortly again accept addicts into its program.

tion with other crimes can be brought to the attention of the Narcotics Bureau. For example, homicides which are caused by disputes over narcotics, should be reported to the Narcotics Bureau.

16. Courts must recognize the heinous nature of narcotics crimes and their effect upon society. The difficult task of law enforcement in this area has been seriously hampered by judges who have been too lenient in their policies regarding bail and sentences. This misguided attitude must be changed so that the current "revolving door" treatment of narcotics criminals will be ended.

17. The provisions of the Mental Hygiene Law authorizing judges to commit convicted addicts to NACC in lieu of jail sentences, should not be used as an escape hatch for hardened or dangerous criminals who have no real interest in rehabilitation but who seek to avoid the just consequences of their criminal acts.

C. THE BOARD OF EDUCATION AND OTHER SCHOOL AUTHORITIES

1. For too long, the New York City Board of Education and other school authorities have ignored the serious problem of drug addiction that afflicts their student population. This inaction and head-in-the-sand attitude has fostered and abetted the spread of the drug plague in the city's schools. A drastic change in the attitude of such officials in long overdue. An honest recognition of the nature and extent of the problem and a willingness to assume their appropriate responsibility in meeting it, is the basic first step which they must take.

2. The Board of Education and school officials must begin to cooperate fully with the police and law enforcement agencies. This cooperation is essential in attacking the problem of drug traffic in the schools. It is incumbent upon the Board of Education and other authorities to require and direct that all school principals and teachers cooperate with the police. Such cooperation can no longer be regarded as a matter of individual option or conscience on the part of school personnel. School officials should provide whatever information and assistance the police request, and indeed, should themselves report suspected drug crimes within the schools rather than sit back and wait for the police to come to them. Furthermore, where an investigation within the school itself is deemed advisable, the use of police undercover agents should be permitted in appropriate cases.

3. Although the Board of Education has been required by law, since 1963, to report the names of student-addicts to the Narcotics Register of the N.Y.C. Health Department, it has failed to do so. This defiance of the law must end. The Board is, once again, reminded that its persistent violation of the reporting provision of the N.Y.C. Health Code constitutes criminal conduct.

4. Teachers, principals and other school personnel must be adequately trained to recognize drug addiction on the part of their students and informed as to what measures they should take in such cases.

5. For the past several years, the Board of Education has received reports from its schools on drug abuse by students. However, there has been no follow-up or review of such information. The Board of Education should carefully scrutinize such information so that meaningful corrective measures can be undertaken, necessary aid provided and proper efforts at rehabilitation instituted.

6. The Board of Education conducts no meaningful evaluation of the various drug education programs within the city schools. Furthermore, these schools are basically left on their own with regard to the development of such programs, with little, if any, direction from Board headquarters. What is needed is a carefully planned and coordinated approach to the problem of drug abuse, and a professional review of the results of these programs. Narcotics coordinators should be appointed in each high, junior high and intermediate school and in problem elementary schools, and their duties clearly defined. These narcotics coordinators should meet regularly with representatives of other groups having an interest and responsibility in this field, such as the police and members of rehabilitative and treatment agencies.

7. It has been estimated that a single student-addict may be responsible for introducnig 40 to 50 other students to drugs. The epidemic of addiction must be contained by appropriate isolation of addicts from the non-addict student population.

8. School principals and teachers must be reminded of their individual responsibility and instructed to report accurately drug abuse cases and their suspicions of possible drug crimes to appropriate parties.

9. Schools should receive, on a regular basis, reports from the police concerning arrests of students and school personnel. An arrest which does not lead to a conviction should not automatically terminate interest by school officials in the subject. Such individuals should be closely watched. In the case of employees of the Board of Education who are arrested for drug crimes, thorough investigation and appropriate disciplinary action should be taken regardless of whether or not a criminal conviction results. The standards for criminal conviction should not, per se, constitute the sole standards by which school personnel be retained. As in the case of addicts, students supplying drugs to other students must be isolated, to the extent possible, from other pupils.

10. Pertinent and legitimate information concerning students has too often been denied appropriate governmental agencies on the basis that such information is "confidential." This cloak of "student rights" and "confidentiality" has resulted in schools becoming sanctuaries for pushers and addicts. School officials must realize that rights are not absolute, and that students who neither use nor sell drugs are also entitled to consideration and also have "rights."

11. The Board of Education should receive information, on a regular basis, from hospitals, Medical Examiner's office and other Heath officials of overdose cases of students. This information should be correlated with information from the schools which the victims attended so that the source of drugs, identity of pushers, and effectiveness of school security measures can be ascertained.

12. The Board of Education should utilize the provisions of the Mental Hygiene Law which permits any individual having information of addiction to act as civil petitioner for the commitment of such addicts to the Narcotic Addiction Control Commission for treatment. Initially, school authorities should encourage parents to act as civil petitioners but if they fail or are unwilling to do so, the Board of Education should exercise this responsibility itself.

13. Applicants for positions in the schools, including non-pedagogical employees, should be required to report any history of arrests, not merely convictions.

14. During this serious period of rampant drug abuse, thorough physical examinations, including *urinalysis*, should be conducted of students. In addition, gym and physical education instructors should maintain a careful watch for any signs of addiction.

15. Whenever physical examinations of school personnel are conducted, such checkups should be extended to include examination for evidence of addiction, and should also be conducted of non-pedagogical school employees. No individual who uses heroin should be permitted to teach in the city schools.

D. TREATMENT AND REHABILITATION

The Commission's investigation of problems in the enforcement of the narcotics laws necessarily touched upon the related field of treatment and rehabilitation. Since many of those arrested for narcotics crimes are addicts, the Commission inquired into the effectiveness of the provisions of the Mental Hygiene Law dealing with compulsory commitment of convicted addicts for the purpose of treatment, as well as the civil commitment procedures. Although the Commission did not conduct an in-depth study of treatment and rehabilitation efforts, certain deficiencies were obvious and were noted during the Commission's investigation.

1. The State agency entrusted with responsibility for dealing with drug abuse is the Narcotic Addiction Control Commission (NACC). NACC's civil certification program, whereby an addict voluntarily applies for treatment or is certified on the petition of another, has been found to be working reasonably well.[1] However, many deficiencies were found in the criminal commitment program. These defects have been reported in other studies of NACC, and cover such items as delays in medical examinations of suspected addicts, inadequate facilities and methods for such examinations, need for prompt urinalyses, criticism of medical competence and testimony of NACC physicians, and possible elimination of right to jury trials on issue of addiction and other matters. Specific recommendations have been made in a report dated February 19, 1971 by the Criminal Justice Coordinating Council of New York City, among others, to improve current NACC operational procedures and need not be repeated here. Such recommendations

---

[1] "Narcotic Drug Control in New York State," a Program Audit by the Legislative Commission on Expenditure Review (April 7, 1971), Page S–1.

should be given careful consideration and prompt action should be taken to implement those which have merit.

In addition to correcting the certification and other procedures, the Narcotic Addiction Control Commission should evaluate thoroughly the progress and results of its treatment and rehabilitation programs as well as the programs and efforts of other agencies, public as well as private, which NACC assists by providing funds. Realistic priorities for such fiscal allocations should be established. NACC should cease to fund those programs which do not show satisfactory results.

As to NACC itself, it appears that its basic concept of treatment and rehabilitation has been generally considered as sound. But its operations need improvement. Once NACC has overcome its procedural and operational weaknesses and has strengthened its treatment and rehabilitation programs, it should be expanded. The present critical situation clearly warrants that NACC be granted additional financial and ancillary support.

2. In New York City, the governmental agency dealing with problems of drug abuse is the Addiction Services Agency (ASA). The recently-appointed Commissioner of ASA candidly admitted at the Commission's public hearing that serious deficiencies have existed in his agency, which deficiencies he is attempting to correct. Since this agency was established to coordinate all drug prevention, education and treatment programs within the City of New York, reform of ASA's operations is imperative. The agency should take a hard look at the activities of the various groups under its jurisdiction which receive public funds, and should discontinue those which are clearly ineffective or of doubtful or marginal effectiveness.

For example, the Commissioner testified that the largest single treatment agency under ASA has cost the City and State a total of 7.4 million dollars since 1967. During this period, 3,417 addicts were admitted for treatment, of whom only 167 have "graduated" or 4.6%. Furthermore, 65 of these 167 "graduates" are now employed in the same drug treatment program, and at least an additional 20 are connected with and paid by other groups in the drug treatment field. Thus a maximum of only 82 out of 3,417 addicts, or 2.4%, completed the program and obtained employment other than drug-related employment.[2] In view of the vast amount of money spent on these programs, an honest and thorough inquiry into their accomplishments is urgently needed.

3. A major overall problem in the field of treatment and rehabilitation is the multiplicity of agencies competing for addicts, funds, and favor. These efforts and programs are fragmented, uncoordinated, often competitive, and most importantly, impossible of objective evaluation because of a paucity of meaningful records and hard data. It is vital that this duplication, waste and confusion end. The problem of treatment must be attacked in an organized, coordinated and responsible fashion, with proper direction, supervision and control exercised by government which is providing the funds and which owes this duty to its citizens. As a part of this overall approach, a concentrated program of research and study should be directed at solving the causes and learning how to prevent addiction as well as improving the treatment of those already addicted.

E. THE PEOPLE AND THE COMMUNITY

The Commission's investigation, public hearing and the above Recommendations deal with the operations of government in handling the problem of narcotics. But the police, prosecutors, courts, Board of Education, NACC or any other agency cannot and should not be expected to discharge effectively their duties and responsibilities without the help and support of the people.

That support has not been adequately forthcoming to date.

The public must do more. It must support, not battle, the police; it must be more sympathetic and helpful when drug treatment centers are located in its neighborhoods; it must face squarely the dimensions of the plaque of addiction and not look the other way. Businessmen should not sell pushers the merchandise essential for the marketing of narcotics on the rationale that there is no law against selling glassine envelopes or quinine—they know what these items are being used for. Merchants and the public should not purchase "hot" bargains from the addict in need of a quick dollar because the price is right and on the theory that if they don't buy, someone else will. Parents must heed the news, as sad and shocking as it is, that their child is using drugs and not abuse or threaten to sue the teacher who tells them what she has seen in her classroom. And as the Commission has previously stated in its closing statement at its public hearing, each community plagued by addicts and pushers must make it known to narcotics violators that they are not wanted there. Community organizations should undertake action programs emphasizing, in no uncertain terms, that narcotics must go. In short, we all have a stake in this fight and we all must do more and do it better.

---

[2] The Commissioner could not state with certainty the present status of even these 82, because adequate records were not maintained.

Respectfully submitted,

PAUL J. CURRAN,
Chairman,
JOHN W. RYAN, JR.,
EDWARD S. SILVER,
Commissioners.

Chairman PEPPER. Mr. Counsel, will you call the next witness.

Mr. PHILLIPS. Dr. Baden, will you please come forward.

STATEMENT OF DR. MICHAEL M. BADEN, DEPUTY CHIEF MEDICAL EXAMINER, NEW YORK CITY, N.Y.

Mr. PHILLIPS. Dr. Baden, I believe you have a prepared statement?

Dr. BADEN. Yes, sir.

Chairman PEPPER. Is Dr. Helpern still your chief?

Dr. BADEN. Yes, sir.

Chairman PEPPER. He testified before our committee 2 or 3 years ago and he made a wonderful witness. We give him our regards. We thank you for coming.

Dr. BADEN. Thank you. Dr. Helpern had to be in San Francisco today. He remembers his previous testimony glowingly.

Chairman PEPPER. There is one thing I wanted to ask you before you get started. It is customary for almost everyone who refers to a death by heroin to call it an overdose. I have many times quoted what I recalled was the testimony of Dr. Helpern, that it is inaccurate to refer to all of these deaths as overdoses because if given a quantity of heroin over a given period of time, and even though the quality and quantity is uniform, the next dosage may be fatal. Would you comment?

Dr. BADEN. Yes, sir; I think your comments are accurate as far as investigations by our office go. The great majority of the deaths are not true overdoses of heroin, but are, rather, reactions to the various materials within the injection and the manner in which it is taken. That is, the street heroin bags contain varying amounts of heroin, varying amounts of quinine, vary amounts of lactose, and other sugars.

This material is usually injected intravenously, unsterilely. Within a few minutes or a few hours after this injection, the addict may die. This is commonly called overdose. From our findings, occasionally we do find too much heroin to be present, but the great majority of the time we do not, so that the cause of death is not a true pharmacologic or overdose. We use the term "acute reaction death."

We do not know exactly what the mechanism of death is. Some of them could be related to quinine, some to the sugar, some to being unsterile. There may be many different causes for overdose deaths.

Amazingly, this fatal reaction only occurs once in every 150,000 injections. That is, there are perhaps 150,000 heroin addicts in New

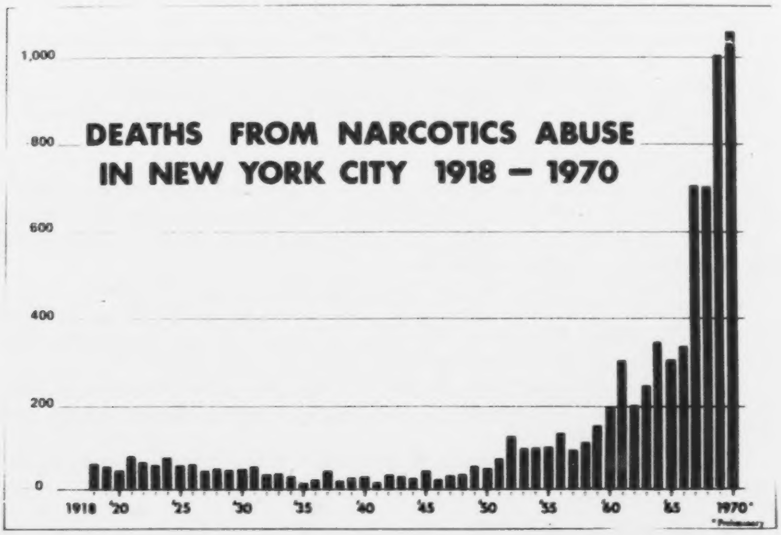
York City shooting intravenously three or four times a day and there are about three deaths a day.

This fatal reaction occurs quite infrequently, which gives testimony to the ability of the body to withstand tremendous insult. I think it is rather naive and simplistic just to assume that the acute reaction deaths are all due to an overdose of too much heroin; we have seen people die with no heroin in the bag, just from the various adulterants present.

Mr. **Phillips**. Would you repeat those statistics? Did you say, "three deaths a day"?

Dr. **Baden**. Yes. There are estimated to be 100,000–150,000, at least, heroin addicts in New York City, who shoot up three or four times a day. About three addicts die a day in New York City—a little over a thousand addicts died last year from the direct injection of heroin. So that it comes out to one death per 100,000 or one death per 150,000 injections, which is an amazingly low figure. However, because of the large number of addicts, heroin addiction is the leading cause of death among adolescents and among persons 15 to 35 years of age in New York City. It is amazing that there aren't more deaths than there are.

(The following table was received for the record:)



Chairman **Pepper**. While you are on that point, I have heard that figure before. What happens after age 35; are they already gone?

Dr. **Baden**. I think we live in a fantasy world. As you have heard earlier today, and in previous commission hearings about addiction, we like to wish that the problem will go away and there is some wishful thinking that addicts mature out and go away.

As far as we can see, that is absolutely not true. We are dealing now with relatively few heroin addicts over 40 because, before World

War II, from whence that population derived, there were very few heroin addicts in New York City. It has only been since 1950 that there has been a great increase of heroin addiction in New York City and we are now seeing the heroin addicts growing older.

We have recently had a big influx of adolescent addicts, but the mean age remains presently about 23. But there is a big increase in the 25-year-old group, 26-to-30-year-old age group.

So I do not think they mature out. The addicts usually start young, and we are deriving the older addicts now from previous small populations.

Chairman **Pepper**. Suppose a fellow starts taking heroin when he is 20 years old, how long do you suppose he would live if he continued heroin addiction?

Dr. **Baden**. What we have determined, what we have been able to guess at, is that 1 percent of the addicts, teenagers, and in their twenties, die per year. So that given 100 addicts at the age of 20, in the next 10 years, perhaps 10–15 percent of them would die directly due to the addiction.

The others, as best we can determine, will continue to be addicts. Older addicts come from younger addicts. Some of them may find it very hard to continue to get their heroin. Some of them become alcoholics. They never become socialized, rehabilitated individuals, unless there is a dramatic intervention.

Everybody knows a few, the one or two or three heroin addicts, who grew out of it by themselves, because of some dramatic personal experience, usually. But the great majority of addicts continue to be addicts or pill poppers, or get other drugs illicitly if they do not receive treatment.

I think that is one of the great attractions for the older addicts for the drug maintenance programs. But we have had some older addicts who became out-and-out alcoholics, who could not support their habits and died of alcoholism. But I do not think there is any evidence of their becoming productive citizens.

Mr. **Phillips**. I believe you had some preliminary remarks.

Dr. **Baden**. Yes, sir; first, the medical examiner's office in New York City does investigate all narcotic deaths occurring within the five boroughs of New York and has done so since 1918.

There has been a particularly marked increase in the number of narcotic-related deaths as we can see on the chart, since 1950, since the end of World War II.

And in the past 3 or 4 years, since 1968, the big jump has been in the number of teenaged heroin addict deaths that occurred in New York City.

In 1968 there were 654 narcotics deaths in heroin addicts, 72 teenagers.

In 1969, a little over 1,000 overall with 248 being teenagers.

This, unfortunately, coincided with a great deal of antidrug publicity. Education prevention programs demonstrate that these programs have to be erected with great care, because what turns us off as adult individuals who think consequentially—that is, we do not want to be found dead with a needle or syringe in our arm—unfortunately may tend to turn on younger people who look at risking death as a sign of virility, masculinity: The more risk I take, the greater, more manly I am.

We have been involved with various teaching programs and I must say the effect on persons who do not like drugs can be very positive; but when dealing with persons who do like drugs the same material can be counterproductive.

Now, I have a few photographs I can show to illustrate the problem in 1969, when the sudden increase in drug addiction deaths occurred among teenagers in New York City.

This is a photograph of the youngest heroin addict to have died in New York City—it was about Christmas time, 1969; Walter Vandermeer. He received some notoriety because of his youth. I think this illustrates the problem that your committee and I guess all of us are up against: That heroin alone isn't the problem.

Scene of Death.—Youngest addict to have died in New York City from heroin use. (12 years old.)

At age 9 Walter was kicked out of the public school system because he was unmanageable and was sent to various training schools—I think we used to call them reform schools—and he escaped a number of times, wound up at age 10 in the streets of Harlem, drinking wine and alcohol.

His mother, very devoted, an alcoholic, seven children by seven different fathers, was unable to cope with the child. And one of the things we are seeing increasingly in the teenagers as a sequela of the heroin addiction is addicted mothers who are permitted to have children and keep them, and that the natural mother isn't always the best mother.

We have had a series recently of battered children deaths in New York City, which certainly points out that the natural mother isn't always the best mother, but we continue on with the myth, as far as heroin addict mothers go, that the natural mother is competent to care for the child.

Mr. BRASCO. Excuse me. Did you say she was a "devoted mother"?

Mr. BADEN. Yes, she, as an individual, wanted, to help the child. She wasn't deliberately avoiding her responsibilities. She just did not have the capacity or mentality or ability to deal with the child, which is different than purposely hurting the child. She would have liked to help, but was inadequate.

Mr. BRASCO. It was sort of inconsistent——

Dr. BADEN. She was very concerned.

Mr. BRASCO (continuing). About the natural mother not being the best mother.

Dr. BADEN. My impression in talking to her was she was concerned; she would have liked things to have been different. She tried but was unable to negotiate the system, getting clothing and making sure he was in school, et cetera.

This is the case in which the mother was concerned but inadequate.

Mr. PHILLIPS. I think that is a very important consideration, especially significant to this committee, because there are apparently a lot of people who are inadequate to function here in New York. Their children are going to school, and the only hope we have of saving these kids is the schools. If the schools are not doing anything about it, these kids are going to go down the drain.

Have you talked to many of the mothers of families who have bad cases of overdose?

Mr. BADEN. We interview all of the families. One of the concerns I have, coming personally from a liberal family tradition, is somehow, I don't think we do the families and the addicted child a favor by letting him remain in the schools, by letting him turn on his friends, turn on his sister who may die from an overdose, and justify this by stating that we are obliged to respect his civil liberties.

I think that addiction, as Mr. Curran has pointed out, is a contagious disease; it is a fatal disease; and if we had children in the school system with smallpox or tuberculosis, we would isolate them, not only to protect the other children but also to protect themselves.

Mr. BRASCO. You said the 12-year-old was incorrigible and unmanageable and he was thrown out of the school system.

What do we do with that kind of child, even when he is not an addict? Do we let him stay in the schools to the detriment of the rest of the kids in the class, who are capable of being reached and taught? And the same thing with the student addict.

I suspect somewhere along the line we have to make up our minds in terms of what we want to do. I suggest we have to treat those afflicted, but we also have to be concerned about those not yet afflicted.

Dr. BADEN. I think you raise a number of points, one of which is that we are always starting all over with day 1. There is excellent work by some people at Harvard, the Gluecks, Dr. Lawrence Kolb when Assistant Surgeon General of the United States, who set up Lexington and Fort Worth, and works from our office, which shows that addicts don't appear suddenly.

The person who is troublesome, who has a juvenile delinquency record, who is incorrigible and unmanageable in the first, second, and third grades, and who is a juvenile delinquent, later becomes an adult delinquent. Whether or not he uses heroin varies with what is available, I suspect.

Walter Vandermeer, whether he died from an overdose of heroin or was never an addict, would be the kind of individual who would populate the Attica's and the Tombs in the next decade unless we deal with the problem.

One copout has been, "The problem is so immense, what are we going to do with it?" Say we have 100,000 people in New York City with smallpox. We do something about it. We would isolate them, deal with the problem.

If the problem is "Why did he act antisocially? Why was he a juvenile delinquent? Why did he escape from reform schools? Why did he sell heroin later on?" And not poppyfields in Turkey. Even if we bombed the poppyfields in Turkey, Walter would still be around, and we would have to take the next step, and what would you suggest? We have to deal with the individual in the first, second, third, fourth grade, when it becomes apparent something is wrong.

A Presidential physician made such a suggestion a year or two ago and was immediately shot down as being against the American tradition. He wanted to test children at age 6 and 7 and pick out the potential deliquents.

That goes to an extreme. But I dare say if one took out the children who were delinquent, truant, unmanageable, in the first, second, and third grades, not as punishment but to work with them and try and see what is going on, why they are not fitting into the system, why they are self-destructive—I don't think we should make automatons out of everybody, but there are ways of acting out and changing the system constructively.

Chairman **Pepper**. If those children had a defect of sight, or a defect of hearing, or a defect of speech, or were mentally retarded, or had some other definitely definable physical impairment, there are programs to deal with them. We recognize those abnormalities. But where they fail to have the quality of adaptation and the proper balance in their thinking and action, we do not have any kind of program.

We do not even recognize those cases.

Dr. **Baden**. Exactly, Mr. Chairman. I think the problem is we are very much concrete. We like to put our hands on an eye defect, we do not want to deal with an emotional defect. Everybody thinks they can just read the Reader's Digest and act logically and be helpful and well meaning and they can then treat a schizophrenic or character disorder, and I would dare say treating a schizophrenic or character disorder requires the same kind of expertise, and is much more productive in the long run than doing heart transplants, for example.

Everybody is geared up to heart transplants but we have never had much interest in dealing with the disturbed. Twenty or 30 percent of the addicts are schizophrenic and you cannot deal with the schizophrenic unless you diagnose him first. The first thing we must do is identify the addicts and diagnose them. If we have somebody coming in the doctor's office with shortness of breath, before we give him digitalis or a heart operation, or kidney pills, we first take a history, do a physical examination, then make a diagnosis, and try and match up the treatment with the diagnosis.

We have not begun to do that, unfortunately, in the addiction field. Probably, just as the deaths may be due to many different reasons and not just a simple overdose, the reasons children wind up using heroin are manifold: There may be 10 different reasons and 10 different treatments and you have to match them up, instead of saying all addicts should be treated with one technique.

Chairman **Pepper**. What you say makes it all the more desirable for the schools, when they detect the youths that reflect something is very serious to recognize the obligation and try to do something about it, even at that late time; doesn't it?

Dr. **Baden**. Yes, sir. I think a critical person must be the school physician. We have had many programs for drug coordinators in the various schools, well meaning, earnest people, but their training is not psychiatric or emotional. They are not physicians. It is difficult enough to be a good history teacher or geography teacher without also trying to be a detective or doctor picking out heroin addicts. The easiest way to rid the school system of heroin addicts is for qualified physicians to do proper physical exams.

We have found in our dealings with school physicians, with correction physicians who examine prisoners—and this is important because of the different penalties involved if a person is an addict or not an addict—that a doctor does not want to get involved and call a person an addict.

Mr. **Rangel**. Before you go to the photographs, you were talking about two different areas. One is the detection of the addicts, and I fully understand the need of having a professional staff to do that. Where you confuse me, however, is where you talk about detecting the potential addict.

Now, is it my understanding that it is your finding that there is a definite correlation between the disruptive behavior of a child in a classroom and one who becomes an addict?

Dr. **Baden**. Yes, sir. There is a difference, or to reword it slightly, a definite association between juvenile delinquency, truancy, disruptiveness in the classroom, and later on criminality of various kinds. I think it is a mistake to isolate heroin use as an identity in itself.

More often, the majority of the time, the heroin is one part of criminal behavior, and to say that a criminal who shoots heroin is going to be treated differently than a criminal who does not shoot heroin, I think, in a way obscures the basic similarities of criminal behavior.

Mr. **Rangel**. One of the problems we are dealing with in the young addict is his persuading other youngsters to become addicts so that he will be able to pay for his habit. Are you saying that his potential market would be other disruptive children?

Dr. **Baden**. Yes—and twofold. This has been shown very nicely in Sweden by Dr. Bejerot.

Mr. **Rangel**. I wish you would come a little closer to home. I appreciate this, but in view of the testimony we have from Mr. Curran, that in one school 87 percent of the school population was involved in heroin abuse drugs——

Mr. **Brasco**. Heroin?

Dr. **Baden**. Mr. Rangel, initially in New York, we have seen that criminal persons used heroin. When school-aged criminals began to use heroin and as heroin became more available in the school system, other disruptive delinquent children began to use it.

Mr. Rangel. Whom do you mean by that?

Dr. Baden. Juvenile delinquents who had been arrested for petty crimes, apart from heroin use.

Mr. Rangel. I am having a problem here because it has been my experience that one's criminal behavior in terms of the legal sense of the word "criminal" begins after he becomes an addict.

Dr. Baden. That is not true.

Mr. Rangel. What you are saying, however, is that the criminal, the word "criminal" begins after he becomes an addict.

Dr. Baden. Yes, sir.

Mr. Rangel. And this is very frightening testimony, because there is no question in my mind that if based on the standards of my behavior, not by psychiatrists but certainly by New York City schoolteachers, then there is no question you are talking to a potential addict as a kid.

Dr. Baden. Yes, sir.

Mr. Rangel. The fact that schoolteachers believe that youngsters are disruptive has nothing to do with criminal behavior, as I see it, nor does it have anything to do with their psychiatric emotional problems, if you took a look at what the school situation is presently and realistically in the city of New York.

Dr. Baden. A lot depends on what we are calling "disruptive." We must be sure it is the student's problem and not the teacher's. All the teacher should do is identify someone as "disruptive" and then have a qualified, trained professional—preferably a psychiatrist—evaluate him to help him, not punish him.

If one has a group of hardened criminal addicts in a classroom, this acts as a focus to spread to noncriminal children. So after a while, if my daughter, who may be raised beautifully and be perfect, goes to school in which five or 10 kids use heroin, it would be normal in the adolescent phase of development for her to do what her peers are doing, and addiction then spreads into noncriminal individuals, which is what has happened in New York City in the past 2 years.

Mr. Rangel. OK.

Dr. Baden. May I quote from Dr. Kolb, whom I referred to earlier:

> Criminals become addicts but opiate addicts do not become criminals through the maddening or deteriorating effect of the drugs. If there was not one addict in the United States, all categories of crime, except violation of narcotics laws, would be just about what they are now, except in the area of stealing and possibly of prostitution, where there would be a small and immeasurable decrease.

This was concluded after he investigated many major cities around the United States and did detailed studies on the relationship of criminality and drug addiction.

The popularly held notion that good kids get stuck in the arm by a guy with a fedora hat isn't true.

Mr. Rangel. Wasn't he talking about adults, though, Doctor?

Dr. Baden. This was the problem in the 1940's and 1950's. Yes. There is a change with teenagers.

Mr. Rangel. Now you have to talk with me or us in the framework of the existing classroom situation. I have no expertise to contradict your opinion or your findings, but I find it pretty difficult to believe that you can go into a classroom in a city like New York, and based on the nature of the child, determine who would be the potential addict.

Dr. BADEN. No. There are good kids with good backgrounds, good school records, in the past couple of years who have become heroin addicts. I think the pattern is changing. But the great majority of the deaths, certainly that we investigate, the medical examiner's office, have long criminal records antedating heroin use. I think the problem you raise is a real one presently because addiction has been allowed to grow to the extent that it has in the public school system so that now there are a lot of good, clean kids coming in and using it. They are becoming heroin addicts, like the marihuana addict of 10 years ago, not realizing that heroin is more dangerous than marihuana.

Mr. RANGEL. I recognize the liberal tendency of my colleague, Mr. Brasco, who would like to pull out all the addicts from the classroom situation, and I am inclined to agree with you. But when you were telling me about your liberalism, about determining whether he is an addict, that was disturbing to me.

Dr. BADEN. Two problems: (1) we can readily identify intravenous use or sniffing of heroin by addicts in the school system by physical examination. These addicted children must be removed and treated for their own sake as well as for the community's; (2) if children are not addicted but are unruly and are problems in the school system, I think there must be mechanisms developed to assist them; not remove them. There are estimates of 35,000 heroin addicts of school age in this city. I think this is a time bomb in our schools, because these people are the ones who will spread it to other students.

Apart from heroin addicts, the prisons of our country are made up of persons who had problems as kids that were never dealt with. That is the other aspect. I do not think children with problems should just be taken out; but they should be recognized and helped.

Mr. RANGEL. That was my point.

Dr. BADEN. I am sorry if my remarks were not clear.

Continuing with Walter Vandermeer: At age 11 he started to use heroin and he died with a needle and syringe in his arm in a bathroom 1 week after becoming 12. This is the typical pattern of addicts: They have many problems that they have difficulty resolving; they are flagging out; they can't fit in; and they are not adjusting. We respond by sloughing them off to different agencies, as he was.

Mr. PHILLIPS. Which agency was he sloughed off to?

Dr. BADEN. Wittwyck was one of them. He was at various New York State training facilities, four or five of them, through the welfare department; and school's truancy board was investigating, but somehow he fell between the cracks.

But there was a great deal of concern about him in 1969 when he died because he was so young. A year later, just around the corner, 144th Street, a 14-year-old boy was found dead after acute heroin reaction and by this time no one was concerned.

Of the almost 500 teenagers who have died here in the past 2 years because of narcotic addiction, about 90 were 16 or younger.

One other recent factor is a big increase in deaths associated with violence among the teenage heroin addicts. In 1969, 10 percent of the teenage addicts died of violence associated with the addict's lifestyle, most as victims of homicide.

This is a photograph of a 15-year-old boy who did not like the stuff his pusher sold him, went back to complain, and the pusher shot him with a .22 caliber gun. There were very few such violent deaths among addicts before 1969. Ten percent of the deaths in 1969, 15 percent in 1970, and presently 25 percent of teenage deaths among heroin addicts is a result of homicide or other violence.

Chairman Pepper. I would like to ask, was that violence on the part of a young heroin addict, or violence to him?

Dr. Baden. Violence to him. We are dealing with the victims.

Chairman Pepper. That is what I thought. Generally speaking, the only violence they commit ordinarily is the violence that ensues from their efforts to get money to sustain the addiction; isn't that generally true?

Dr. Baden. Yes, sir. One thing we found from the district attorney's office: A few years ago the pushers usually were not armed, in recent years there has been a sufficient increase in complaints from addicts to pushers, that now the pushers are armed. If an addict is going to complain, he now has to be armed; as a result, there have been more killings in fights among pushers, as well as by the storekeepers and policemen.

Not reflected in these deaths, which are directly related to narcotism, is an increasing number of battered children that come from addict families. Last year there were about 60 battered children deaths in New York City, young children who died of physical violence. More than half, more than 30, came from addicted households.

Here is a photograph of a dead baby, who had been bitten and beaten up, showing bite marks on the buttocks. This actually was inflicted, we were able to demonstrate, by the boy friend of the mother. Often it isn't the mother addict who is perpetrating the violence, but one of her "tricks," one of the people who come in and deal with the mother, who may take a dislike to a particular child.

Not reflected, also, is the tremendous psychiatric and emotional problem inflicted on children by addict parents. We have seen in Harlem, I am sure Mr. Rangel has also, second and third generations of heroin addicts, because we have not dealt with the problem of what to do with the children of an addicted mother. If she wants the baby, she gets her baby.

Other babies of heroin addicts die because of neglect and inability of the mother to cope and supervise the child; the children may crawl out of a window, especially during the summer, or die by drowning or fire. This mother, while high on drugs, accidentally put a mattress on top of her 14-month-old baby and slept on it with the baby underneath. When she woke up 8 hours later, she found the baby had suffocated.

Chairman Pepper. Did you say there is some detriment to a child born to an addicted mother?

Dr. Baden. As far as physical detriment, the newly born addict child will go through physical withdrawal symptoms. As far as we can tell, the fact they may later go back into addiction, may be more involved with the environment of the mother than any genetic inheritance or in utero-exposure to drugs.

Chairman **Pepper**. Would it be the example of the mother, rather than transmission?

Dr. **Baden**. I would think so. There is evidence addict mothers have premature babies and have a higher incidence of death at birth. But I think the phenomenon of children becoming addicts is related to the environment of the mother and the household.

Our office's postmortem investigation includes examination of the scene of death, interviews with families and friends, autopsies—we do autopsies of all potential addict deaths—chemical analyses, and review of prior criminal records.

One thing that we must stress about teenage adolescent addiction is that No. 1, most are multiple-drug abusers. They use alcohol, barbiturates, et cetera. You previously brought up the point of methadone. We have had more than 30 deaths caused by methadone since January 1 of this year. They are nonaddicts. Twenty-five percent of all addict deaths in New York are presently associated with methadone use—either legitimately in a program or illicitly.

Chairman **Pepper**. How many methadone deaths?

Dr. **Baden**. More than 30 true overdoses of methadone, mostly in teenagers who are not tolerant to methadone; similar to the Washington, D.C. experience.

Alcohol, propoxyphene—Darvon—tranquilizers, barbiturates, amphetamines, are often in the body when we do the autopsies. This differs from the older addicts, and the addicts before World War II, who tended to be exclusive heroin users. This is a different problem. It is the multiple-drug-abusing syndrome and they really don't care which drug they use.

Chairman **Pepper**. Excuse me. Is there any animosity, any contradiction, between taking heroin and alcohol as there is between apparently taking barbiturates and alcohol?

Dr. **Baden**. They do act together as depressants on the brain and breathing; if one took alcohol and heroin, one could die of the mutual additive effects. Yes, sir; I think that does happen sometimes because in a high percentage of the deaths we do find alcohol and barbiturates in the body tissues, as well as morphine.

The other factor that is apparent in our studies is that among teenagers, up to this point, the majority have had criminal, antisocial records before using heroin. A good, normal, and model student usually doesn't use heroin and become a raving maniac.

The last point has to do with the epidemiologic analyses of our data that indicates where addicts die. Addiction spreads, especially among the young, as a contagious disease, even though it is not by germs, but by one person copying what another person is doing.

This is especially true in the school setting.

Mr. **Phillips**. You say it is your opinion, from the maps and your observation, that heroin does spread like an epidemic?

Dr. **Baden**. Yes, especially among teenagers.

On this map is the Harlem area, where many deaths are clustered. But these deaths aren't confined to Harlem. In fact, heroin addiction in New York City was almost entirely a white problem until after

World War II, when heroin smuggling resumed with the establishment of international trade; ghetto areas set up because of the war defense efforts were now particularly receptive to heroin.

Presently 55 percent of the heroin addict deaths are blacks, 25 percent whites, 20 percent Puerto Ricans, five to six times as many males as females.

On this same map we see many deaths in Queens; there were five or 10 deaths 10 years ago, there were 140 last year. Mostly white middle class.

Mr. PHILLIPS. An increase of over tenfold?

Dr. BADEN. Yes. Similar to this increase in Queens, a striking increase is presently occurring in Staten Island where there were almost no deaths a few years ago and there were 15 or 18 last year. I have some copies of these maps.

Mr. PHILLIPS. We would like to make all of them available.

Dr. BADEN. I have copies for you.

In addition, in Westchester, in Long Island, in New Jersey, and Pennsylvania, we are getting increasing calls from the coroners and medical examiners because there has been a marked increase in heroin addiction in those areas. The heroin addiction doesn't stop at the borderline, it spreads in much the same fashion as a communicable disease caused by germs would spread. We have to think of it in the sense of a communicable disease.

I think veterans coming back to New York City, or other cities and towns around the country, who are addicted must be considered as potentially carriers of a contagious disease and as basically having ripple effects and spreading the disease.

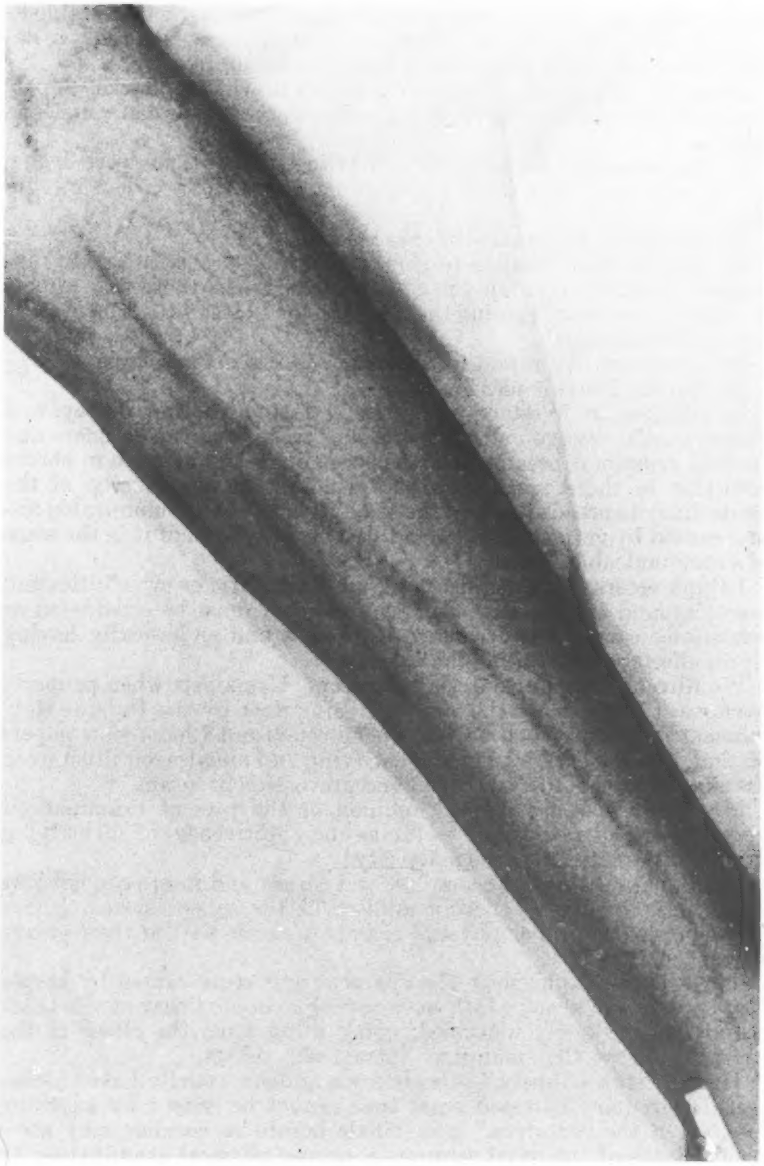
We direct a large urinalysis laboratory. Urinalysis when properly performed—that is not the way it is being done by the Federal Government now—but when properly performed, and I have some papers on that, can be very helpful in identifying and monitoring illicit drug use as a component of a treatment and prevention program.

Mr. HAFETZ. What is your opinion of the present examinations given by school physicians as far as the effectiveness of identifying drug users and drug addicts in the city?

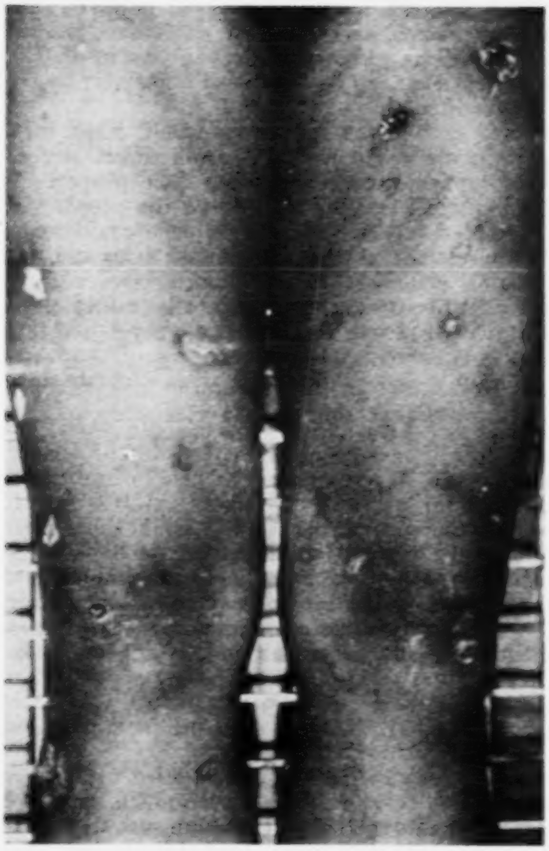
Dr. BADEN. I think the simplest and easiest and most economically rapid way to identify heroin addicts in the school system is for physicians to do proper physical examinations as part of their yearly school checkups.

These photographs show the characteristic scars caused by heroin use. Look at the arms, which have pathognomonic linear needle track scars that are easily identified, going often from the elbow to the wrist. These are the "mainline" intravener addicts.

Heroin "skin poppers," subcutaneous addicts, usually have characteristic circular depressed scars that cannot be caused by anything else. Even the "snorters," who inhale heroin or cocaine, may show perforations of the nasal septum. A proper physical examination by someone concerned, or who cares, or is willing to say, "I think this fellow may be a heroin addict, we have to do further investigation," would be the easiest way to identify the addict.



Typical needle track scars on forearm of intravenous heroin addict—"Mainliner."



Typical scars on thigh of subcutaneous heroin addict—"Skin Popper."

Mr. Hafetz. Is that done today in the city schools?

Dr. Baden. My impression, from speaking at school drug councils, is that this is not being done, and it is one of the reasons the drug coordinators and the teachers have had the problems shoved on to them. They are the ones who are supposed to identify narrow pupils and red eyes and the kinds of signs that are not specific—because there are many things that can cause red eyes and red noses—and to diagnose somebody as being a heroin addict, which really is a medical, professional diagnosis.

This diagnosis is easy when the doctor is concerned and cares. I think the way the structure is now, certainly in the corrections department, the part-time doctors do not wish to get involved in problems; they do part-time work and the municipality gets what it hires.

We must train doctors to identify heroin users on physical examinations; it is easier than by urinalysis. I am a strong proponent of urine testing for detecting drug abuse, but the kids who are using drugs are often not in school—playing hookey—or may refuse to give up urine. Urinalysis is mandatory for detecting "pill poppers," for people who take drugs by mouth, and therefore don't have tracks; and for following and monitoring known addicts in treatment. But as far as identifying addicts, that can be done most effectively by the school physican at the tme of the school physical.

Mr. **Phillips**. You are saying the urinalysis would have little value in trying to ascertain whether a man is a heroin addict or not?

Dr. **Baden**. Urine testing is valuable and when done properly is very accurate. But the logistical problem of getting the people you want to "pee" for you under supervision is great; one could much more easily pick out the needle addict by looking at the arms and legs and the whole body.

Mr. **Phillips**. These pictures of addiction seem to be rather clear. After looking at those pictures, I am sure if I saw people like that I would be able to identify them with no problem at all.

Is that an average case, or a case of an addict with an acute drug addiction problem?

Dr. **Baden**. This person has been an addict for many years, but you can have an addict who will have prominent tracks and prominent marks after only a year or two. The scars may be smaller and therefore one would have to look for smaller tracks as well as larger ones. But they are characteristic; there is nothing else that could cause these kinds of tracks, and a proper physical examination done with the patient undressed, examining his front, back, legs and arms, would certainly reveal the hard-core addict right away. You don't need urinalysis for that. To detect multiple-drug abusers, especially those who take drugs by mouth so that there are no identifying marks on the body, urinalysis is mandatory. But I think one step we can take immediately is to identify the hard-core addicts.

Mr. **Phillips**. Do you know whether any such program has been discussed with the board of education?

Dr. **Baden**. I know Congressman Koch, for one, tried to arrange such a pilot program a year or two ago, without too much success. I am not sure what the board wants to do about it. I am sure they have their problems dealing with doctors. Doctors traditionally have not assumed much responsibility or leadership in this area even though they have probably addicted more people than any other profession and have had the least kind of input into solving the problem. But I am not sure what the relationship is between the board of education and the doctors that work for it.

That is certainly an area that could be easily looked into immediately, with prompt results.

One problem is that the doctors rationalize and say, "What am I going to do if I say this person is an addict? I have to go to court. The lawyers don't really want the truth. I don't want to be involved."

Mr. **Hafetz**. Are you saying school physicians do identify cases of addiction or drug use and don't record it or pass on the information?

Dr. Baden. My impression is, in the usual routine examinations, that often the stigmata and signs of addiction are overlooked, and if they are found, one can easily rationalize, "Maybe he got this from injecting amphetamines and since amphetamines aren't covered under the NACC provisions, therefore, I can't say he is a heroin addict."

There are many ways to rationalize about illicit drug injections—and we don't have too many intravenous amphetamine addicts in New York City which would cause similar marks. I don't think they are reported.

Mr. Hafetz. Have you stated this problem to the board of education and board of health?

Dr. Baden. We don't have that kind of relations with the board of health right now. We are going through a flux. Our office hasn't had direct dealings with the board of education. We have dealt with Mr. Curran's State investigation commission, and with individual teachers and coordinators, but we do not have the kind of relationship that we can go in and suggest things to the board of education.

Mr. Phillips. That relates back to something you said previously. You said there were 227 youth deaths.

Dr. Baden. Teenagers, 15 to 19 years old.

Mr. Phillips. And you talked to the parents. There are two questions: One, do you know whether or not the board of education has made any effort at all to determine what schools these children went to and what type of problem they had at the school; and No. 2, why they weren't diagnosed and treated at the school, or why some intervention didn't take place prior to them winding up in the morgue?

Dr. Baden. I can't say why not. We do have some parents who state they knew their son was using drugs, they didn't like his friends, they reported it to various officials and nothing was done about it. We don't have any specific hard data as to how to negotiate that system, except it is not being negotiated. These kids come from areas, we are told by parents where there is lots of drug use; the parents claim their children got it from their friends, and nothing is done about it.

Chairman Pepper. Do you have any information as to how many of these youngsters who died from heroin acquired that addiction in the schools to which they went?

Dr. Baden. I cannot be definite about that. I think there are other programs and other ways to get that information better. That is, there are programs that have 100, 200 adolescent addicts in treatment, and I think talking to these addicts would yield that information. When I have spoken to them a large percentage claimed that they did make their initial contact from school, friends in the school.

We have a few cases, a small number of cases, of students who did die actually in the school from injection of heroin in the bathroom, but these are only a handful.

And the parents often tell us their child became addicted because they were hanging out with bad kids, who are often their schoolmates.

Chairman Pepper. Do you think the parents would normally detect if their children were becoming seriously addicted to heroin? Wouldn't they discover that?

Dr. Baden. I think often the psychodynamics of what has happened is such that the parents often are least able to cope with the situation. This is not only in the ghetto areas but in the highest echelons of

Government, where the parent-child relationship is such that it is intimately involved with the drug use, and the parent often uses the basic psychiatric mechanism of denial.

They deny that the child is an addict and sometimes parents do know and try to help, but very often the son may come home with needle tracks, scars, and punctures—even the doctor's children—and if the doctor saw it on any other child, he would know he was an addict. But the child may say that he gave blood or cut himself on a nail, and the parents will believe any story that is told, no matter how outrageous, because they are not able to cope with the problem, and very often this heroin problem, drug-addiction problem, is one of many problems the child is having with the parents. It isn't isolated.

So I think the parents do not often admit the child is an addict.

Chairman Pepper. Isn't there a shortage of programs to which the child might be committed? Suppose the parents discover the child is using heroin? What could they do in New York City?

Dr. Baden. There are a number of programs the child could be submitted to for treatment with the consent of the parents. There are some programs, I am not sure what the current status of civil commitment is in New York City, to which a parent, relative, or friend, could commit a child involuntarily to treatment under the civil commitment statutes.

Presently, I am not sure if that is being utilized very much, because of overcrowding. But I think, certainly before you can deal with the child who is an addict, you have to confine him and he is not going to do it himself.

I think New Jersey has an internal possession law; that is, if you find heroin or evidence of heroin use in the person's urine or the body of an individual; that is, evidence that can be acted on legally. I think we are not going to get any place until we start isolating the using addict for his own good, as well as the good of the community.

And there are programs that will accept them.

Chairman Pepper. A while ago I requested a member of the staff to make some inquiry about what Federal aid was available now for treatment and rehabilitation of young people in the schools. This is the report that I received from one of the staff who made these inquiries by telephone.

The Education and Labor Committee of the House of Representatives reports that tiny amounts of money are being diverted illegally from drug-abuse education programs to treatment and rehabilitation programs in the schools.

There is simply no Federal legislation permitting school boards to get involved in the fight against drug abuse. Dr. Jaffee's Special Action Office for Drug Abuse Prevention expressed some surprise the question was even asked. They apparently had not considered utilizing the schools in drug abuse treatment and rehabilitation work. The Office said the only funds for this purpose may be in use through the National Institutes of Mental Health in conjunction with colleges and universities.

So you see what little provision has been made in the numerous Federal programs for dealing with the problems in the schools.

Dr. Baden. I have some knowledge of this, because my wife, Dr. Judianne Densen-Gerber, is the director of Odyssey House, and she is a psychiatrist and a lawyer and it is a physician-run program. I have seen the kinds of problems they have had with the Federal sources.

About 3 years ago, 1969, when so many teenagers were dying of heroin addiction, she started to admit teenage heroin addicts into in-residence facilities and she was arrested for treating children 16 and under, because the facility was overcrowded. Subsequently, Arthur Goldberg and Edward Costikyan defended her and she was found not guilty.

But it was a 2-year struggle because she was treating heroin addicts that supposedly didn't exist.

She has the only program in the United States for pregnant female addicts with the children that is to looking into the whole concept of mothering. They cannot get Federal funding for this because the interest isn't in dealing with teenage addicts, the interest isn't in dealing with how do you teach mothers who don't know how to mother a child, to learn this; the interest is the immediate crime aspect, and we are trying to drop crime 5 percent in New York City with the false illusion that that will mean something.

I think there are basic problems with teenage addicts, apart from the criminality which is so dramatic, that have to be resolved. We are just going to raise more and more heroin addicts.

Mr. RANGEL. Doctor, does your office have jurisdiction over contagious diseases?

Dr. BADEN. No, sir; it used to be health department that had that jurisdiction. We will do the autopsies involved. But I am not sure what that situation is here right now. I know in Washington, D.C., Dr. James Luke, who is the medical examiner, did call in the Atlanta Contagious Disease Bureau to investigate their problem of drug addiction from the contagious disease point of view. We do not have that kind of jurisdiction.

Mr. RANGEL. It seems as though the New York City Police Department has been unable to penetrate the board of education as relates to the health and safety of the child. I was just wondering whether or not, under the broad jurisdiction of your department, but as you say now, the health department, whether or not they could penetrate that agency as relates to health and safety of the student.

Dr. BADEN. Well, that will be an area outside of our office. I certainly think somebody has got to start some place.

Chairman PEPPER. Anything further, Doctor?

Mr. Winn, any questions?

Mr. WINN. No questions.

Chairman PEPPER. Does counsel have questions?

Mr. PHILLIPS. Just one. I do not know whether you answered it before or not.

To your knowledge, has the board of education looked into these 200-some-odd deaths that have occurred among teenagers?

Dr. BADEN. To my knowledge they have not looked into these deaths; no, sir.

Mr. PHILLIPS. They have not made any effort to determine what school they came from, or what prior experience they had with that particular individual?

Dr. BADEN. That is correct. Yes, sir.

Chairman **Pepper**. Dr. Baden, we certainly wish to thank you for the very valuable information you have given us today. You and Dr. Helpern are painfully aware of the problem, and you made us much more aware of it.

We hope that we can induce the Federal Government to take a much larger part in the program and perhaps give leadership to the State and local authorities in the school activities of the Nation.

Maybe we can do some good.

Thank you for helping.

Dr. **Baden**. Thank you, Mr. Chairman.

(The following "Summary of Remarks" was received for the record:)

SUMMARY OF REMARKS OF MICHAEL M. BADEN, M.D., DEPUTY CHIEF MEDICAL EXAMINER, NEW YORK CITY, N.Y.

ADOLESCENT DEATHS DUE TO NARCOTIC ABUSE IN NEW YORK CITY

Heroin addiction is presently the leading cause of death of teenagers in New York City. The increasing number of narcotic related deaths in the 15–19 age group since 1940 is indicated below (the total number of narcotic-related deaths in all age groups are in parentheses):

1940	0(30)	1967	79(656)
1950	5(57)	1968	72(654)
1960	15(199)	1969	248(1006)
1965	32(306)	1970	237(1205)
1966	33(337)	1971 incomplete	227(1270)

Until 1968 almost all teenage narcotic fatalities were directly due to the unsterile injection of the street heroin mixture with resultant "overdoses" and infections. In 1969 10% of teenaged addicts died of violence associated with the addict's "life style": homicide, suicide, accidents; this increased to 15% in 1970 and 25% in 1971 due principally to increase in the number of homicidal deaths. Not reflected in these data are the increasing numbers of children of addicted parents who have died of maltreatment (battered children) or neglect (falls from windows, in fires, by drowning, etc.). More than half of the 60 battered children deaths in New York City last year were cared for by addict mothers.

Postmortem studies at this Office—including investigation of the scene of death, interviews with family and friends, complete autopsy, toxicologic analyses and review of prior police records indicate that the great majority of teenage heroin addicts now: (1) are mutliple drug abusers—of alcohol, barbiturates, methadone, propoxyphene (Darvon), tranquilizers, amphetamines—differing from older addicts who often use heroin exclusively: and (2) have antisocial, criminal records before using heroin, consistent with the well-documented work of Kolb and others that criminals become addicts much more often than the reverse.

Epidemiologic analyses of our data indicate that addiction, especially among the young, spreads as a contagious disease, not by germs but by role models—one person copying another; this is especially true in the school setting. We have found that urinalysis, when properly performed, can be very helpful in identifying and monitoring illicit drug use as a component of prevention and treatment programs. However, the simplest, quickest and least expensive way to rapidly identify using heroin addicts is by a proper physical examination by a concerned physician—the linear needle track scars of intravenous "mainliners", the circular depressed scars of subcutaneous "skinpoppers" and the inflamed or perforated nasal septum of inhalers or "snorters" are characteristic, easily identifiable and entail minimal legal, financial and administrative concerns. Urinalysis, however, is necessary to identify the occasional or new heroin user and the increasing numbers of oral pill abusers.

Chairman **Pepper**. We will take a brief recess.

(A brief recess was taken.)

Chairman Pepper. The committee will come to order, please.

I would like the record to show that Dr. Baden, who has just concluded his very excellent testimony before us, is the husband of a very distinguished lady, Dr. Judianne Densen-Gerber, who is both a lawyer and psychiatrist, and also the founder and head of the famous Odyssey House. She has done so much, also in this field.

Mr. Phillips, call the next witness.

Mr. Phillips. The next witness is Dr. Olive Pitkin.

STATEMENT OF DR. OLIVE PITKIN, DIRECTOR, BUREAU OF SCHOOL HEALTH, NEW YORK CITY DEPARTMENT OF HEALTH; ACCOMPANIED BY DR. ROBERT DOUD, DIRECTOR OF RESEARCH AND DEVELOPMENT, AND ASSOCIATE DIRECTOR OF PSYCHIATRY

Chairman Pepper. Let the record show that Mr. Hafetz, who is a special consultant with the committee and has done an excellent job in setting up these hearings, will now conduct the questioning.

Mr. Hafetz. What is your full name?

Dr. Pitkin. Olive Pitkin. I am a physician, pediatrician, director of the bureau of school health in the New York City Department of Health.

Mr. Hafetz. And the person sitting with you is whom?

Dr. Doud. Dr. Robert Doud, director of research and development for New York City, and also associate director of psychiatry for the health department.

Mr. Hafetz. Dr. Pitkin, you say you are in charge of school health in the department of health?

Dr. Pitkin. Yes, sir.

Mr. Hafetz. Would you describe your responsibilities with regard to the schools?

Dr. Pitkin. Yes. I am responsible in general for the in-school health program for all of the public and Catholic parochial schools of the city, and quite a number of the private independent schools. We have a staff of approximately 300 school physicians, plus about 42 supervising physicians, and I am indirectly responsible, also, for approximately 300 school nurses who work in the schools.

Mr. Hafetz. Do you know what the school population in New York City is?

Dr. Pitkin. The population we service amounts to almost 1.5 million altogether.

Mr. Hafetz. There are a total of 300 physicians to cover examinations?

Dr. Pitkin. Who do the actual work; yes.

Mr. Hafetz. Are those 300 physicians full time?

Dr. Pitkin. No, sir. They are part-time people who work on a per session basis.

Mr. Hafetz. How part-time? What proportion of the school day do they give to school duty?

Dr. Pitkin. Many of them work 5 half-days a week. A very few work as many as 9 or 10 half-days per week. Some only work for 1 or 2 half-days per week.

Mr. Hafetz. What is the pay scale for these physicians?

Dr. Pitkin. About $35 for a 2½-hour session.

Mr. **Hafetz.** Are there particular training programs for the physicians in regard to recognizing narcotics use and narcotic addiction among children?

Dr. **Pitkin.** Before they start work they all get approximately a 5-week preservice training program in which this is one of the elements.

In addition to that, for the last 8 to 10 years, at least, we have had some substantial in-service training every year. And during the last 4 years or so, this has included quite a bit on the recognition and handling of the drug abuse problems in the schools.

Mr. **Hafetz.** Would you know specifically how many lectures or programs there are for the recognizing and identifying of narcotic users?

Dr. **Pitkin.** Well, I have a list of them here. They vary in length, and how many lectures were included in each one, how many physicians attended, and so forth. I can give you an idea.

We had a lecture series on narcotic addiction in November 1968, which 21 doctors attended. I think that was three lectures. I am not absolutely sure about that.

Dr. Efron Ramirez, formerly chief of addiction services agency, gave a course at the New School for Social Research of eight sessions.

Mr. **Hafetz.** What year was that?

Dr. **Pitkin.** February 1969.

Mr. **Hafetz.** What was the attendance?

Dr. **Pitkin.** Twenty-six of our doctors went, which was all they could accommodate. We asked them to set it up again and he set up a much abbreviated course of only three sessions, which another 29 doctors attended.

Mr. **Hafetz.** Were those Ramirez sessions in 1969 the only ones given during that year for the physicians?

Dr. **Pitkin.** No, they were not. Going back to October 1968, there was as part of a larger course covering many subjects set up by the department, a panel in drug addiction headed by ex-addicts. There were two sessions there. I do not have the list of how many of our doctors attended.

In September 1969, we had the assistant commissioner of the addictions service agency who lectured to the school physicians in Brooklyn. Fifty of them attended.

Mr. **Hafetz.** Excuse me. Let me ask you this: Within the last school year, September 1971 until the present, could you tell me the number of physicians who have attended the special training sessions for recognizing the narcotic user?

Dr. **Pitkin.** During the current school year, all that was offered was a movie called "What Did You Take," which had to do with the handling of drug overdosage in emergencies. It was gotten out by the State department of health, and this was offered to all of our physicians during the Christmas holidays, with a commentary and discussion by Dr. Trigg from Beth Israel Hospital.

Mr. **Hafetz.** How many attended?

Dr. **Pitkin.** I do not have figures. Normally we get something like 50-percent attendance at Christmas holiday offers.

Mr. **Hafetz.** Your estimate is only about one-half of the New York City school physicians attended the only training program given during the past school year?

Dr. Pitkin. Right.

Mr. Hafetz. Was that optional or mandatory?

Dr. Pitkin. I can't tell you. We used to say it was mandatory, but we only got about 50-percent attendance, anyway. These are part-time physicians, they have their own practices, they make vacation plans. So even when we say it is mandatory—we did not say it was mandatory last fall.

Mr. Hafetz. Is there any reason why not, in view of the seriousness of the problem that any school physician hired by New York City Department of Health to look into this serious problem, that it should not be mandated that he attend any particular training sessions that are given for the narcotic problem?

Dr. Pitkin. It isn't mandated because we cannot enforce it. This is not part of their regular assignment.

Mr. Phillips. Is it a problem?

Dr. Pitkin. Oh, yes.

Mr. Phillips. What is your knowledge of the extent of the drug addiction problem in the schools?

Dr. Pitkin. I have very little statistical knowledge——

Mr. Phillips. Why is that?

Dr. Pitkin. Because we have not been able to collect statistics on the problem.

Mr. Phillips. The doctors are not reporting to you?

Dr. Pitkin. They do not report to me directly on this particular subject. They do not report to me on any specific clinical condition. We, of course, are aware of the count that the board of education asks for every year; which, by the way, is not filed. It goes to the narcotics registry of the department of health after it is gotten up.

Mr. Phillips. Do you have a responsibility for doing something about the drug problem in the school?

Dr. Pitkin. Do I? Yes, sir; I feel that I do.

Mr. Phillips. You heard the testimony earlier today and the situation which was described as an epidemic. What have you done about the epidemic?

Dr. Pitkin. I have given the school doctors all of the training I could muster up and all I could get them to accept, and all that I could get recommended and supported from the agencies available in the city.

Mr. Phillips. What does that amount to, one drug program a year?

Dr. Pitkin. No, sir. I was interrupted when I was telling you what the courses were.

Mr. Phillips. Please continue.

Dr. Pitkin. I can give you the listings here.

As I say, they have been scattered. The only course that really was attended by all of the schools' physicians and was mandatory because it was run during the time they were assigned to be on duty, was in September 1970 when we had a sergeant from the police department—the department of police, yes—speak to all four boroughs of school physicians.

Then we had a physician, Dr. Benny Primm, who was running a methadone treatment program in Brooklyn, speak to them. All of our physicians attended that.

We have also strongly encouraged physicians to attend any local symposia or training sessions that they knew of. Wherever we hear about them, we notify them what is available and tell them we will pay for attending. If they find a program in their local hospital they want to attend, we gladly pay for it.

Mr. Hafetz. You are only talking about programs directed toward the physicians, you are not talking about children treatment programs right now?

Dr. Pitkin. I am talking about programs to familiarize school physicians with the narcotic problem.

Mr. Winn. How about the school nurses?

Dr. Pitkin. They are always invited to attend the ones we offer.

I take that back. They are invited to attend the special inservice training courses, but not the preservice ones. I do not direct administrative jurisdiction over the nurses. They are under the bureau of public health nursing, which runs its own courses.

Mr. Hafetz. Do your 300 physicians have the duty to report to you the results of the physical examinations given to children?

Dr. Pitkin. No.

Mr. Hafetz. Whom do they have a responsibility to report that to?

Dr. Pitkin. If you mean as regards findings relating to drug abuse, they are supposed to report to the narcotics register.

Mr. Hafetz. Do they have a form that they fill out showing the general overall results of the physical examination?

Dr. Pitkin. No, this is not reported to my office. We do not keep this kind of statistics on clinical conditions.

Mr. Phillips. Have you instituted any program at all to identify the number of drug addicts in the schools?

Dr. Pitkin. We already have, and have had for years, a program of periodic routine examinations of schoolchildren. They are examined——

Mr. Phillips. You have a routine examination program, which I am advised you examine people in their school life three times a year: is that correct?

Dr. Pitkin. No, sir.

Mr. Phillips. Three times during the school career?

Dr. Pitkin. Four times.

Mr. Phillips. Can you tell us when that takes place?

Dr. Pitkin. When they are first admitted to school, usually kindergarten or first grade. Then fourth, eighth, and 12th.

Mr. Phillips. That is a standard program for examination?

Dr. Pitkin. I do not know what you mean.

Mr. Phillips. It is before the epidemic and after the epidemic?

Dr. Pitkin. That is right.

Mr. Phillips. And it is not designed in any way to identify the scope of this epidemic and do anything about it, as I understand it. It is a standard examination?

Dr. Pitkin. The examination specifically includes questioning about drug abuse for any child over 10, and is a complete physical examination, which certainly will detect any signs of drug abuse that are present at the time.

As to whether something was done about it, with any kind of health problem, including drug abuse, the parent is contacted, the child is referred to an appropriate treatment agency, and intensive followup is done to make sure he does get proper care.

Mr. PHILLIPS. How many cases of that do you know of?

Dr. PITKIN. We do not have statistics on this.

Mr. PHILLIPS. Why don't you?

Dr. PITKIN. Simply because there is a limit to what you can ask people to report in the medical room daily. At present they report some 51 different items every day, activities that they do.

Mr. PHILLIPS. But you are in charge of overseeing an epidemic. Do you know an epidemic is taking place, or don't you?

Dr. PITKIN. I have reason to believe there is, but I do not have statistical data.

Mr. PHILLIPS. If you have reason to believe that an epidemic is taking place, what action is the board of health taking, or these doctors taking, to curb the epidemic, or have some effect on it?

Dr. PITKIN. I do not know how to answer that question in just the tone you ask it.

Mr. PHILLIPS. Is it the answer that you are not doing anything?

Dr. PITKIN. No, sir. The answer is that we have believed that our overall program for detection of health defects was as good as any additional program would be to detect drug abuse, among other things.

Mr. HAFETZ. Doctor, do you know how many cases the physicians have actually reported to the place you said they have the responsibility to report to?

Dr. PITKIN. I know reporting has been very poor.

Mr. HAFETZ. You saw the figures introduced by Mr. Curran earlier, which indicated within the last 6 years 31 cases were reported to the registry?

Dr. PITKIN. Right.

Mr. HAFETZ. That is the total amount your physicians have reported?

Dr. PITKIN. The order for them to report on the new form went into effect last November.

Mr. HAFETZ. What are the results of that?

Dr. PITKIN. I don't know the actual numbers, but I know it has been practically nil. They have told us this. I may say when we introduced this, we knew there would be resistance on the part of the doctors.

We began it with a pilot program last June in one area, with very careful introduction, explanation to the doctors, reassuring them about the legal repercussions for them, reassuring them about the confidentiality of the data, and tried it out in one district, even though the local board of education was not willing to cooperate with their staff.

Mr. HAFETZ. Not willing to cooperate in what sense?

Dr. PITKIN. The local community superintendent did not want his principals and teachers to do this kind of reporting.

Mr. HAFETZ. To report cases of addiction to the narcotics registry, as required by law?

Dr. PITKIN. Right. Even though it was recommended by the central board of education and had been cleared at that level.

Let me finish this. Following this, we introduced the reporting citywide last fall, after delay of a couple of months, which was because we had to redesign the form a number of times. We again introduced it with discussion of the matter by Dr. Bergner, who was then in Dr. Doud's position, explaining to our supervising physicians all of the whys and wherefores and what it would be used for and the fact it would not involve them in any way.

They in turn carried this back to their own physicians. We discussed it a number of times. In spite of this there was very little reporting and when we heard this—we brought it back to them in about February, I think—we asked them why they were not reporting cases.

Their response at that time was they were really not seeing cases of drug abuse in the schools.

Now, this, I find a little hard to believe, as I am sure you do, since they examined, gave complete examinations altogether to a total of some 345,000 children, aged between 12 and 17, annually, and I find it hard to believe that so very few of these children have a drug problem, though it is true that many of the children who are on drugs, who have physical signs that they knew would be dead giveaways, avoid the examination, and this is easily done.

Mr. Rangel. Doctor, I was about to ask this. Your jurisdiction in the area of health care or examinations is separate and apart from the board of education; isn't it?

Dr. Pitkin. We work in the school in close coordination with the board of education, but we are under the department of health, administratively.

Mr. Rangel. Right. So from a professional point of view the integrity of the medical personnel would not come into conflict with any of the policies of the board of education?

Dr. Pitkin. No, sir. They get their orders from the department of health.

Mr. Rangel. Now, the doctors or the physicians are technically employees of the department of health; is that correct?

Dr. Pitkin. Yes, they are.

Mr. Rangel. Because I have had some difficulty in understanding as to the fact they are part time, if directives are given to them as employees, certainly their tenure would be determined on whether or not they carried out the orders from the department of health; is that correct?

Dr. Pitkin. Yes.

Mr. Rangel. So the fact is that this committee would not have to concern itself with the dereliction of physicians who were not carrying out orders. If your office did carry out its mandate with the possibility of some sanction? Then no employee, whether he is a physician or any other person, would believe he did not have to do it?

Dr. Pitkin. We did mandate it. We did not specify what the sanction would be and we have at the moment—I do not know of any individual case where the school physician has known about a case of drug abuse and did not report it.

Mr. Rangel. I was talking about in terms of the training. You say that 50 percent abided by the mandate and the other 50 percent did not.

Dr. Pitkin. You are talking about the training course?

Mr. Rangel. Yes. So I assume, really, the word "mandate" is being used very loosely.

Dr. Pitkin. This is why we do not use it any more. The question of the degree to which the department can order part-time physicians to do certain things during the hours when they are not normally assigned to do duty is a bit fuzzy. We do call upon them in emergency situations and they always respond.

Mr. **Rangel**. You are talking about when they are really assigned to duty. There is no question you believe there is a drug epidemic in the schools?

Dr. **Pitkin**. I think there is a lot of it.

Mr. **Rangel**. You also agree the doctors in the normal course of their duties, in examining students, do detect drug addiction among them?

Dr. **Pitkin**. I think they must, on occasion.

Mr. **Rangel**. There is no question about that. And they are failing to report this, either because they do not have to, or they are not mandated to do anything about it; is that correct?

Dr. **Pitkin**. They do have to, and they are mandated to. I do not know exactly why they are not reporting. It may be that they are seeing very little in the way of referrals from the school personnel, now, because I think most schools, the impression I have in most school principals, where there are narcotic coordinators, have worked out ways and means of directly referring children to local treatment resources. So it may be the school physicians are not being called in as consultants and as secondary screening agents on these cases.

Mr. **Rangel**. Doctor, do you handle any other type of epidemics or does your department have any history of dealing with diseases for children and how they are treated? I don't really know.

Dr. **Pitkin**. Whenever there is any question of a communicable disease——

Mr. **Rangel**. At what point of outbreak of a communicable disease would your office have jurisdiction?

Dr. **Pitkin**. We work with the bureau of preventable diseases in the department of health. It is a different bureau.

Mr. **Rangel**. Do you work with V.D. at all in examinations?

Dr. **Pitkin**. Yes.

Mr. **Rangel**. Tuberculosis?

Dr. **Pitkin**. Yes.

Mr. **Rangel**. What do you do when your physicians find these things out? Do they report it to anybody? Just because they are part time, and very difficult to get, are they on their own? Or does your department have any responsibility at all?

Dr. **Pitkin**. Oh, no. They are not on their own. We have a manual of procedures of over 100 pages.

Mr. **Rangel**. Generally speaking, what are they mandated to do in order to uphold their oath as doctors, or as employees of your department?

Dr. **Pitkin**. You are asking what the program is? In addition to the routine examinations?

Mr. **Rangel**. If, after the routine examination and the student has tuberculosis or a case of V.D., what does the doctor do? Has he any mandate except to refer the student to a program?

Dr. **Pitkin**. He discusses it with the child, if it is an older child, with the parents if it is a younger child; and with the assistance of the public health nurse, makes plans for getting diagnosis and treatment, and follows up again with the assistance of the public health nurse, to make sure the child gets appropriate care.

In the case of drug abuse, he works not only with the school nurse, but the narcotic coordinator in the schools.

Mr. **Rangel.** But if he found the epidemic reached 87 percent of the population of the school, you are saying your office would really have no way of knowing, because you do not compile the statistical data?

Dr. **Pitkin.** I wouldn't know unless someone specifically reported it to me. That is correct.

Mr. **Phillips.** Don't you think you should know? Have you made the effort to find out?

Dr. **Pitkin.** I did not say I have made any effort to find out.

Dr. **Doud.** Mr. Phillips, would you mind if I speak to that?

Mr. **Phillips.** No. Dr. Pitkin is in charge of the program. I would like to have the answer from the one in charge of the program.

Dr. **Pitkin.** We hoped that the introduction of, that is, the emphasis on reporting of cases, would give us some figures. It has not worked out. We are in the process of trying to find out why it has not worked out and get more along those lines.

I have recommended for several years now and still am recommending, actually, that the department be able to test the urine of children whom either school personnel or parents or private physicians or school physicians think are having a narcotics problem at the time.

The technique is available, the laboratory is able to do it, but they would need more personnel, more equipment to do it. I think this would be a valuable program as opposed to routine screening programs.

Mr. **Hafetz.** Why hasn't that program been implemented?

Dr. **Pitkin.** I do not know.

Mr. **Hafetz.** Has the board of health gone to the board of education and attempted to get them to endorse that program?

Dr. **Pitkin.** Yes, sir; they have endorsed it, and we have discussed it many times.

Mr. **Hafetz.** In what way have they endorsed; they have publicly tried to get the funds for it?

Dr. **Pitkin.** It would be the department of health that would get funds for it. It would be within the health department's bureau of laboratories that this capability would exist.

Mr. **Rangel.** Has this been requested in your budget?

Dr. **Pitkin.** It has been requested in the budget of the bureau of laboratories for a number of years, yes. I do not know at what point it has been turned down.

Mr. **Rangel.** You know, Doctor, we are not attempting to find a scapegoat here. This problem certainly is far beyond the department of health. But you must admit that after we have gone through the international trafficking of drugs, after we have gone through police corruption and the failure to cooperate with the board of education, certainly when it deals basically with the health of a child, that it is difficult for us to get past your department unless we have some explanation as to why you people have not been really those speaking out the loudest. We are now talking about those who have taken oaths to deal with health problems, not education, not corruption, not crime, but health.

Now, if you, just as a doctor rather than an administrator, can say that within the school population we have reason to believe that an epidemic is taking place and that your physicians are not reporting to you, even though you have made some effort to get that reported, to me it is not a question of finding out who is wrong, but of trying to get some explanation as to whether this is a violation of a moral oath, or whether you have no funds, or whether it is a fact because the epidemic has been clustered in communities that have so little political power that the doctors do not respond to it.

Is it a question, perhaps, that they believe as doctors there may be some stigma attached if they report?

Dr. PITKIN. This is why we are sending them a questionnaire, which Dr. Doud in fact is working on.

Mr. RANGEL. But, Doctor, my real point is this: They are your employees and you have directed that they do certain things.

Dr. PITKIN. Right.

Mr. RANGEL. And now you are sending them a questionnaire after they have disobeyed your orders year after year and month after month.

Dr. PITKIN. I would not say year after year—but let it go.

Mr. RANGEL. It would seem to me that you do not have to be a doctor to see some of those symptoms that were presented to us earlier.

Dr. PITKIN. I agree. It does not require a physician.

Mr. RANGEL. And I just cannot understand why a doctor would listen to a police sergeant in terms of training. But I do not want to get into that.

Dr. PITKIN. He was very useful in showing them the kinds of equipment kids carry around. What you may find on a child's person or in his pocket.

Mr. RANGEL. I would not cast this heavy burden on a doctor to look at general things, other than a child's body, to determine whether or not he is addicted to drugs.

Dr. PITKIN. We try to approach it from a number of angles.

Mr. RANGEL. If you just deal with the body, Doctor, we are saying kids have been examined, that there is no question the doctor knew they were addicts and nothing was done about it.

Dr. PITKIN. I do not think I have quite said that.

Mr. RANGEL. But, Doctor, is it not a fact that if the child was examined, and during an epidemic period by a physician, then your report would indicate that an epidemic existed in the schools you had charge of? At least the physical care of that child?

Dr. PITKIN. If the doctors reported to the narcotics register we would have a count, yes. I have not asked them to report direct to me.

Mr. RANGEL. But if your office has no responsibility, if these doctors have no responsibility to report an epidemic condition to your office, we cannot blame them. Naturally, we have to then say that your office really does not require anything as relates to epidemics.

Dr. PITKIN. You know, I feel for the mother of that little boy who was described as "devoted but inadequate." I have done everything I know how to do. I tried to do a lot more. I do not know at this moment, nor have I heard today, any recommendation that I think would be sensible, either for detecting more cases of drug abuse, for preventing, or for getting more under care.

Mr. RANGEL. Let's try this recommendation and see from a layman's point of view whether you would be benevolent with us, because we are searching for answers.

Would it really help if doctors reported to your office the number of children who in the normal course of their physical examinations appeared to be addicted to drugs? Would not that be of some help to you in determining your budget, your needs, or what you would need in order to fill your commitment? Would that not be one basic requirement?

Dr. PITKIN. You mean a statistical count?

Mr. RANGEL. If the guy had V.D. and he is in school, would not you like to be able to say to any committee, that I have just found out that half of the kids have V.D.?

Dr. PITKIN. We do not collect that.

Mr. RANGEL. I am asking. I know they have 51 things to collect.

Dr. PITKIN. What I am saying, we do not collect it for any medical conditions. That is why I am striving hard to get a computer for our medical information so we know this kind of thing.

We are conducting a special study, asking the doctors what is the diagnosis on every child that they see in the course of a day. One reason that I wanted to do it this year was that I hoped from that I would get some clue, more than I have now, as to the number of cases of drug abuse they are seeing.

Mr. RANGEL. Doctor, if someone was to tell you that an epidemic is occurring in the New York City schools, whether it is drug addiction, or no matter what it is, wouldn't you, as a professional, like to be able to say, "Yes, I know, this is the number of kids that we have been able to detect, this is the amount of money we need in order to do an effective job."?

Dr. PITKIN. Yes; I would.

Mr. RANGEL. Now, I think, what we are asking is: Why haven't you at least been able to find out how many kids are drug addicts or at least believed to be drug addicts from your employees?

Dr. PITKIN. What I am trying to explain is that I do not know why we have not been able to find out. Because we have explored all of the avenues I know of that are open to us. But we do not get the information back.

Mr. RANGEL. Then you know that——

Dr. PITKIN. I am as frustrated as you are, at least.

Mr. RANGEL (continuing). Your doctors are not really abiding by the law as civil servants or public employees. In other words, they have violated every principle and you are their direct employer, and you say you do not know why they are actually violating their oath.

Dr. PITKIN. That is right.

Mr. RANGEL. And you are a doctor?

Dr. PITKIN. Yes; I am.

Mr. PHILLIPS. Doctor, it would seem to me the minimum the board of health would have done was conduct a pilot project in one or more schools to go out and reexamine the entire population of that school in a given month. What about that? Why not one school? Maybe you haven't the resources to do it for an entire school system, but at least go in one school with the problem and list all of the kids, give urinalysis and physically examine them and find out what happens. If you do not do that, you do not know what is happening and you do not know if these kids are going down the drain, and no one seems to care.

Dr. PITKIN. We have not done that kind of program because I had no hope that when the program came to pass—it takes a certain amount of planning—the children we wanted to be available for examination or would show anything.

Mr. **Phillips.** How would you know that?

Dr. **Pitkin.** The normal absentee rate, the normal attendance rate, I should put it, averages 60 percent.

Mr. **Phillips.** You say of the 60 percent who were there, there is no sense examining the 60 percent, because the 40 percent who aren't there are really the addicts?

Dr. **Pitkin.** No; I am saying the 60 percent who are there have a less likelihood of being the addicts than the 40 percent who are absent.

In addition, once they get wind of a program, I think the absentee rate is going to be astronomical. When children find out there is even going to be an examination given in the medical room, the population melts. It is hard to get them.

Mr. **Hafetz.** Didn't you just a minute ago advocate the effectiveness of selective type of urinalysis program?

Dr. **Pitkin.** Yes. When a child is seen in the school and at that moment appears to be under the influence of a drug, that is the time, I think, to check his urine.

Mr. **Hafetz.** How does it differ from setting up the pilot program?

Dr. **Pitkin.** That is a routine program for which the children can prepare. They can stay clean for a few days.

Mr. **Phillips.** You do not have to tell them when you are going to examine them?

Dr. **Pitkin.** There is no such thing as a secret program of that size in a New York City school.

Mr. **Phillips.** One school?

Dr. **Pitkin.** Yes, sir.

Mr. **Winn.** What if you just moved into a school on a quick-hit type of thing and moved in with everything you had available to you? They would not have time to be prepared, they would not have time to get off it. You do not have to worry about all of your reports and planning in advance.

I do not know anything about your business, but I have a hunch you are so busy planning, making plans and revising reports, you have nothing to show for it. But at least as far as this subject is concerned, why couldn't you go in, sneak in—I do not like that word—but a quick-hit type of thing, go into, say, two or three schools and then average out? They are not just going to leave there, particularly if they are locked inside like we have heard today.

Have you ever thought about that?

Dr. **Pitkin.** We have not thought of that particular kind of a program.

Mr. **Phillips.** Another thing which occurs to me, very simply, you are examining people when they are graduating from school; is that correct, when they are 18 and leave the school system?

Why not move it down to 16, where you can still have 2 years to work with them? What value is the examination when they are graduating? It is 14 and 16 when they are becoming addicted.

Dr. **Pitkin.** The value of having the examination just before leaving the school, is that we feel the child who has been more or less under our health supervision during the school years is now not going to be under any regular, ongoing supervision. He provides it for himself.

We like to make sure he understands what his current health problems are, and we advise him to get a source of regular medical care for them, tell him how often he should be checked.

Chairman PEPPER. Doctor, how many school pupils, high school and elementary, are being treated now under the auspices of the health department for heroin addiction?

Dr. PITKIN. I am sorry—how many school pupils?

Chairman PEPPER. How many students from schools in New York City are now being treated for heroin or drug addiction under the auspices of the department of health?

Dr. PITKIN. I do not know if any are being treated. The only department of health facilities I know of are the methadone programs around the city, and I do not think they are taking young teenagers in the methadone treatment.

Chairman PEPPER. What you are saying is nothing is being done?

Dr. PITKIN. Oh, no. We refer kids to any agency available and we have twice sent in our doctors, and to the schools, lists of all of the treatment resources available, including mental health clinics, Odyessy House, Phoenix House.

Chairman PEPPER. My question was: How many students from the schools of New York are presently being treated by the department of health, or under their auspices?

Dr. PITKIN. Do you mean they are referred by the department of health?

Chairman PEPPER. Yes.

Dr. PITKIN. We do not have a count on that.

Mr. WINN. Mr. Chairman, I think it is pretty obvious that the program they have there is only an educational program, if that is what it is.

I don't think you have a treatment program, at all?

Dr. PITKIN. No, sir. We never set up to have a treatment program or diagnostic program.

Mr. WINN. If you do not even have the records of referrals, then how do we know you have any kind of referral system?

Dr. PITKIN. I do not have statistical reports in my office. Every child in the school has a cumulative health record kept all of the way through his school career. That is where the record of his referral is and his tab for followup at a suitable date by the doctor or nurse. But this is not reported to me statistically.

In other words, I do not know how many are referred for diabetes, asthma, or whatever.it is.

Mr. WINN. How do you know what information to send out, if you do not have the statistical information, yourself?

Dr. PITKIN. I don't. And I wish I had it.

Mr. WINN. How many employees do you have? You don't know that, maybe.

Dr. PITKIN. Well, it is only about 350 directly.

Mr. WINN. Does this include the doctors?

Dr. PITKIN. This is the doctors and clerical staff; 360, maybe, altogether.

Mr. WINN. And you train the nurses?

Dr. PITKIN. No, the nurses are employed by the bureau of public health nursing. We are bureaucratic. The bureau of public health nursing has charge of all of the nurses, of all kinds, plus public health assistants, who assist the nurses, but are nonprofessionals. They do their own training. I train the school doctors.

Mr. WINN. You train the schools' doctors, 300, approximately, physicians?

Dr. PITKIN. Right.

Mr. WINN. How many school nurses are involved?

Dr. PITKIN. Well, the equivalent full-time figure would be, again, approximately 350.

Mr. WINN. Are these registered nurses?

Dr. PITKIN. They are all at least registered nurses and the majority public health.

Mr. WINN. In 869 public schools, and including the Catholic schools, 1,200 schools, they only have 300-some-odd nurses. We don't have one nurse per school. We have one nurse for every four schools?

Dr. PITKIN. The average amount of nurse time per school per week is a little under 6 hours. Nurse time per school per week. That is an average.

Mr. RANGEL. How about doctors' time?

Dr. PITKIN. The doctor's time overall averages about an hour and three-quarters per school per week.

Chairman PEPPER. An hour and three-quarters a week?

Dr. PITKIN. Per school.

Mr. RANGEL. Then, maybe you do not have to be so defensive. Your corps really has nothing to do with the medical standards of children.

Dr. PITKIN. I wouldn't say that. We are understaffed, if that is what you mean.

Mr. RANGEL. No matter what kind of epidemic takes place in the public school system, your staff has really nothing to do with it except to refer them to the morgue or refer them—they are free agents, really.

Dr. PITKIN. We have had no epidemics among schoolchildren in the last 20 years or so. We have no diphtheria, no polio, no smallpox.

Mr. RANGEL. You would have no way of knowing if we did.

Dr. PITKIN. Give credit where credit is due.

Mr. RANGEL. Doctor, if we did have an epidemic such as polio, there would be no way for you to know, would there?

Dr. PITKIN. Oh, yes.

Mr. RANGEL. Not based on your statistics?

Dr. PITKIN. Oh, yes.

Mr. RANGEL. They would be referred? You don't refer.

Dr. PITKIN. We get individual reports on things like that.

Mr. RANGEL. Have you received any reports recently on drug epidemics?

Dr. PITKIN. No.

Mr. RANGEL. You could be of great help to this committee if you could try to get together the type of program that you think would do credit to your profession. There is no question in my mind that the City of New York Department of Health is really playing hoax on the general public if it believes that these 300 doctors can handle the population of the students in this city. And if, in fact, we are talking about a doctor spending 1¾ hours per week, on an average, in a school we are realistic enough, Doctor, not to expect too much from that doctor.

Dr. PITKIN. I think he can do a screening job. As far as treatment and rehabilitation is concerned I do not know of a good treatment and rehabilitation program. I do not know of any successful approach to the prevention, treatment, or rehabilitation of drug abuse.

Mr. **Rangel.** Doctor, we never even reached that point. We haven't even gotten to the point where, if a guy was going through withdrawal, your doctors would be able to detect it and report to somebody the guy is going through withdrawal. We haven't even gotten to the sophisticated area of what you do with him. We are saying you have told us that you have no way of knowing whether they want to detect, whether they are overlooking addicts deliberately in violation of every code and every law.

You don't know, really, how they are treating it, and you have asked them and they just won't tell you.

So I was about to suggest, as to what you would like to work with—not in terms of rehabilitation, because we are all trying to search for medical answers there—but just what would you like to see your department do since you have charge of at least reporting to somebody, the physical condition of a child periodically? And perhaps we can help you, rather than appear to be attacking you.

But the system that is allowed to exist like this—they should not have you here with only 300 people covering the public school system—expecting you to do all of the things we require is, I think, a big failure; and I think it really takes a lot of integrity away from the profession of which you are a member.

Mr. **Phillips.** Doctor, I think you said you don't know of any treatment program that is in any way helpful or beneficial. What has the board of health done about instituting such a study or program of their own?

You talk about Odyssey House, Phoenix House, a number of private people who are well meaning, who are going about setting up programs to help addicts. They are applying and will probably continue—and God bless them—but what has the department of health done?

Dr. **Pitkin.** The department has a number of methadone maintenance clinics, but as far as I know, these are not being used for teenage children.

Mr. **Phillips.** Have you done anything about setting up a program for children?

Dr. **Pitkin.** The reason I think we did not tackle the question of treatment more aggressively was that for several years after the addiction services agency was created, I labored under what turned out to be a delusion, that this agency was supposed to be responsible for the handling of drug abuse problems in the city.

I thought we were supposed to relate to them when it came to training and when it came to recommendations as to how our staff would be useful in the situation. We tried to work only with the addiction service agency. It finally became apparent this was not a coordinating agency for drug abuse problems in the city but was simply one program, among other programs.

Chairman **Pepper.** Doctor, probably you have revealed the answer of why little has been done in the way of the reporting and the like. There is little you could do about it anyway, if you knew how many were heroin addicts.

Dr. **Pitkin.** It would be helpful just to have a number.

Chairman **Pepper.** You wouldn't know what to do about it anyway, so there wouldn't be any use.

Dr. PITKIN. If we had a number, it would be possible to be more forceful with the budget people on the amount of staff and kinds of things needed to tackle the problem. This is why we have been anxious to get some kind of figures, other than the wild estimates we have now.

Chairman PEPPER. It is an area we have to break new ground on, try to provide some sort of treatment program for these students. This is happening all over the country. Students are becoming addicts of hard drugs.

Dr. PITKIN. Yes. But I don't know what the program would be, really, when you consider the nature of the disease.

You know, you can say it is an epidemic, but it is not an epidemic like smallpox, which nobody wants to get, and once he has got it, he wants to get well. With drug abuse, people go into it voluntarily. Ignorantly, maybe, but still voluntarily. They certainly continue it voluntarily. They don't want to be detected, they don't want to be treated.

Now, in a free society, that is a little hard to handle and I don't think anybody has really found the answer yet.

Chairman PEPPER. Maybe that is the answer.

Dr. PITKIN. You talk about removing children from schools, suspending them from school if they have a drug problem. Where are they to go?

Mr. PHILLIPS. Don't you think there should be separate schools?

Dr. PITKIN. More than separate schools, if they are to be kept there. They are going to have to be prisons aand prisons that have tried to rehabilitate youthful drug abusers have not been very successful in their programs. About as successful as the reform schools we send kids to.

Mr. PHILLIPS. I would agree with your criticism if you had made any effort to do it. Have you made any effort to come up with your own program, or the board of health come up with a program, to try to save these kids, or has the board of education made an effort to save these kids?

Apparently no one is doing anything about it. No one is coming up with a program: they are just criticizing the other ones.

Dr. PITKIN. I think, myself, what is required is not a health department program, not a board of education program, not a police program, but a coordinated program involving all segments of society.

Mr. PHILLIPS. That is a sure way not to get it done.

Dr. PITKIN. Unfortunately that is true. But I think, myself, this is the reason why nothing has been done, because an educational program, alone, won't work. A health department program won't work, and can't be expected to.

Chairman PEPPER. Doctor, at the University of Miami, I am told they have a treatment and rehabilitation program on the campus of the institution. I don't know whether a treatment and rehabilitation program could be worked out that could be located on the grounds or in conjunction with the schools, or not. It might be that such a program, if properly directed, conceived and funded, might be able, first, to be the inspiration for the detection of those who have drug addiction, and, second, for treatment of those who do have it.

That, coupled with more effective law enforcement programs, a school program, bearing down very hard on those who do become addicts, and if necessary, taking them perhaps into some special custody, if they will not voluntarily submit to the program.

At least, it is a challenge to us; isn't it?

Dr. PITKIN. Yes, sir.

Chairman PEPPER. Any other questions?

Mr. MANN. I think not.

Chairman PEPPER. Thank you very much, Doctor. We thank you very much for coming and giving us your statement.

Dr. Doud, did you want to make some statement? Do you want to add anything?

Dr. DOUD. No, Mr. Chairman, I don't think so. I just wanted to explain that one of the things I understand—and I am newly arrived in New York—is the addicts in the school get diverted from the physicians before Dr. Pitkin's physicians can see them. They are diverted by drug educators, by teachers, and so forth, and they avoid these school physicians. I think this is one reason her physicians do not keep them. She did not state this reason, but this is what I understand the situation to be.

Mr. WINN. Do you think it is done purposely?

Dr. DOUD. Yes, purposeful avoidance. Right. With the help, perhaps, of some people in the school system.

Mr. WINN. School administration?

Dr. DOUD. Right.

The other thing is that I can assure you in the commissioner of health's office, that our physicians will, one, be trained to recognize addicts if this is possible, and apparently in some instances it is not. You cannot tell if an addict is a present addict or he has got turkey marks from 2 years ago. There are some difficulties that Dr. Pitkin went over a little too glibly, I think.

The other thing is, if any physician in the health department is caught breaking the law, I can assure you we will serve him with a summons or some other very stringent procedure that will teach him that he should either leave the department or go ahead and do his job. I cannot imagine the number of times the law must be broken each year in regard to this reporting business. It is sections 11.03, 11.05, these two sections of the New York Health Code mandate this.

Mr. PHILLIPS. One question, Doctor. Would it be fair to say, without any reference to the heroin epidemic which apparently is taking place, without any reference to that, just on the basis of these statistics Dr. Pitkin gave, that you have 1½ hours of doctor time per school per week? Would you say your health program is totally inadequate for the school system?

Dr. DOUD. No. I would say the identification and reporting and treatment of narcotic addicts is. I think Dr. Pitkin has one of the finest programs, as far as immunizations, this sort of thing, regular school health programs. So you don't make a sweeping statement.

Mr. PHILLIPS. I don't see how you could possibly be just putting arms in slings.

Dr. PITKIN. We are not there to put arms in slings.

Chairman PEPPER. Thank you both very much. We appreciate your coming. We will see what is yet to be done.

The committee will now adjourn until 10 o'clock tomorrow morning.

(Thereupon, at 5.55 p.m., the hearing was adjourned, to reconvene tomorrow, Tuesday, June 20, 1972, at 10 a.m.)

DRUGS IN OUR SCHOOLS

TUESDAY, JUNE 20, 1972

House of Representatives,
Select Committee on Crime,
New York, N.Y.

The committee met, pursuant to notice, at 10:10 a.m. in the auditorium, Board of Education, 110 Livingston Street, Brooklyn, New York City, Hon. Claude Pepper (chairman) presiding.

Present: Representatives Pepper, Brasco, Mann, Murphy, Rangel, Winn, Sandman, and Keating.

Also present: Joseph A. Phillips, chief counsel; Michael W. Blommer, associate chief counsel; Chris Nolde, associate counsel; and Fred Hafetz, special consulting counsel.

Chairman **Pepper**. The committee will come to order, please.

Ladies and gentlemen, I am Congressman Claude Pepper, of Florida, chairman of the House Select Committee on Crime.

On my right, my distinguished colleague, the Honorable Frank Brasco, of New York; Congressman James Mann, of South Carolina; Congressman Morgan Murphy, of Illinois; and Congressman Charles Rangel, also of New York.

On my left, the Honorable Larry Winn, Congressman from Kansas; Congressman Charles Sandman, of New Jersey; and at the end, Congressman William Keating, of Ohio.

On my left is Chief Counsel Joseph A. Phillips, and second from him on the left is Associate Chief Counsel Michael W. Blommer.

We are very pleased to be able to be here in the great city of New York.

Yesterday the committee heard evidence that a drug epidemic exists in the New York City schools. Hard drugs are easily sold in the schools by student pushers even at the junior high school level.

Witnesses stated that drug use is contagious and has spread unchecked throughout the school system, devastating the lives of the affluent as well as the ghetto schoolchild.

We heard substantial testimony placing responsibility for this problem squarely on the board of education. In the face of overwhelming evidence of the drug epidemic, the board has, as one official stated, "buried its head in the sand" and viewed the problem in the same vein as "students not doing their homework."

It is clear that the board of education has not recognized nor attempted to cope with the epidemic. The chairman of the State crime commission testified that although the problem was dramatically called to their attention, "nothing has changed" in a year and that it's still "business as usual" at the board. This management of the school effort is truly shocking.

School personnel patently violate the law by failing to report cases of student drug addiction. Many school officials oppose and have interfered with police undercover efforts to apprehend drugsellers in the schools.

Because of this attitude, schools have become sanctuaries for drug sales and addiction. School officials ignore and avoid students who are clearly under the influence of drugs. In fact, in one situation a teacher admitted the use of drugs and showed a young and impressionable class how to roll marihuana cigarettes.

The evidence developed yesterday also demonstrated that the board of education is not the only culpable party. We heard testimony from the director of the school health program, which can only be described as tragic.

The government agency responsible for the health of New York City schoolchildren conceded through its director that there was a drug epidemic, but she could not even get her own physician employees to identify and work to solve the problem.

The board of health has, in effect, abdicated its responsibility in this state of emergency.

Nor has the health department launched any program to cope with the problem.

In sum, the testimony dramatically illustrates that in the face of a drug crisis in the New York City schools, there has been tragic and disastrous failure of responsible officials to take any remedial action.

I want to make it clear that while this is the primary obligation of the officials of the city of New York, I suspect that we will find when we continue our hearings in other parts of the country that other responsible authorities have similarly failed to meet the challenge of their own obligation.

But this great city, which is outstanding in the character of its problem, I hope will give leadership to the people to solve this tragic problem so that others may profit by it, not only here, but in other parts of the country.

We will call the first witness, who is a very distinguished citizen of the city of New York, who for 25 years has been an official of outstanding integrity, competence, and character.

He has been a long-time friend of mine and he gave valuable testimony before this committee when we were holding hearings here in the summer of 1970. We are very pleased to have him with us today. We invite to the witness stand the Honorable Abraham Beame, New York City Comptroller.

Mr. Counsel, will you please initiate the inquiry.

STATEMENT OF ABRAHAM D. BEAME, COMPTROLLER, NEW YORK CITY, N.Y.

Mr. PHILLIPS. Welcome, Mr. Beame. I believe you have a prepared statement. Will you please deliver that statement.

Mr. BEAME. Mr. Chairman, members of the Select Committee on Crime, ladies and gentlemen:

At my previous appearance on June 27, 1970, I urged the committee to adopt Federal legislation enacting my proposal for a city-State metropolitan drug addiction commission to attack drug abuse in the New York metropolitan area. Such a bill, H.R. 273, introduced January 28, 1971, is pending in committee.

I also proposed a program to purchase the opium supplies of countries growing and manufacturing narcotics to stem the flow of drugs into the United States. I am glad to note that such a program was begun by the Federal Government.

Today, I want to talk about how drug abuse and addiction affect our young people and our schools. The story is tragic.

At the outset one thing must be made clear. Drug addiction and abuse is not confined to a particular geographic area, socioeconomic class, or ethnic group. It knows no boundaries. It affects all levels of society and all schools.

The drug abuse problem in the schools, with its accompanying results of overdose, extortion, burglary, robbery, and truancy, has reached epidemic proportions. My staff, early in 1971, visited 31 New York City high schools, and found serious drug abuse problems in almost every one.

When our report was first issued some members of the board of education, without even taking time to analyze the factual data, immediately cried "politics." They simply refused to face the very dangerous social problem detailed in the report.

It was not until recently that they have been made more aware of the need to take action. Some steps, though inadequate, have been taken. Much more remains to carry out their responsibilities.

At two of our better high schools, guidance counselors said to my staff, "Every child in the school is involved with drugs." Of course, such statements include marihuana use. At a Brooklyn high school a dean reported that about 1,000 students on the school register are heroin addicts.

At Madison High School in Brooklyn, according to school deans "several times a month, students overdose." A counselor at Francis Lewis High School said, "A day doesn't go by in Northeast Queens without a student overdosing in one of the schools." The statistics show that 65 teenagers dropped out forever—from January through May 31, 1972—and their deaths were attributed to narcotism.

Perhaps the situation in our high schools is best summarized by a statement made by a high school principal in Brooklyn:

> Hundreds of our students cut their classes and roam in the halls at will. Many prey upon other students, extorting money from them in lavatories, cafeterias, and hallways. Others spend their entire schooldays gambling in the cafeteria and in the lavatories. The drug problem increases and takes a mounting toll as more and more of our young people are induced by "student" pushers to experiment with the deadly stuff. Our absence and lateness records are staggering.

Violence pervades many high schools—students and teachers are often molested, and some times the victims of serious physical abuse.

More than 5,100 incidents of violence have been reported to the board of education by principals for the period from September 1971 through April 30, 1972. And, according to some school officials, many hundreds more take place but are never reported. Some parents are afraid to send their children to school.

I believe that drug abuse contributes to the fact that New York's schools lead the Nation in student absenteeism.

The percentage of students daily attending schools in New York City has decreased from 87 percent in 1965–66 to 83 percent in 1969–70.

I might say in 1930 the percentage was in the neighborhood of about 93 percent and from 1930 to 1965 it dropped only 5 percent—in 35 years. In the last 5 or 6 years, as I indicated, it dropped to 83 percent, or a 4-percent decrease.

High school attendance has markedly dwindled from 80 percent in 1965–66 to 73 percent in 1969–70. However, because of cutting and poor recordkeeping, the number of students actually attending school is even lower. My office issued an analysis of the declining attendance in July 1971, which is available to the committee.

Recently we have completed an up-to-date analysis of the attendance problem which I will make available to you this week. It reveals that attendance in our high schools is not improving.

In a July 1971 report issued by my office concerning drugs in the schools, 24 recommendations were presented.

One of these recommendations was for the board of education to officially publish and implement a uniform policy to cover student heroin addicts and heroin pushers. It appears that this policy is poorly implemented in many schools.

Despite the publication of special circular No. 10 in October 1971 by the board of education setting forth certain guidelines, we are informed that a substantial portion of those guidelines are not complied with. For instance, heroin addicts are not reported to the narcotics registry in accordance with provisions in the New York City health code.

Many teachers are uninformed or misinformed about their legal role and position, in regard to drug abusers.

In many schools drug addicts roam the halls, solicit drug business, and spread their disease to others.

However, I am happy to note that since issuance of my July 1971 report the board has followed my recommendations to develop mandatory courses for all teachers to sensitize them to drug addicts and drug abusers.

Much more must be done by the schools to help stop drug abuse. I urge that:

> Drug abuse education be incorporated in the curriculum of all schools, beginning in the early primary grades.
>
> In a city as diverse as New York, schools too should be diverse. There cannot be one prototype school for all. Principals and their staffs should be entrusted with more powers to develop creative programs and curricula.
>
> Well-known adults not associated with established authorities such as police are needed to be physically present in the schools to serve as a hero and counterforce to the pusher, who is considered a hero, in the school environment. This adult hero, whether he be a former addict or a sports notable, will be a positive force. His acute sensitivity, street-based perspective, and determination to combat the use of narcotics should serve well to act as an antidrug force.

> An increase in adult presence in the schools through the use of trained parent patrols is needed. On the basis of an independent study of school disruption—including crime—for the National Association of Secondary School Principals, the Syracuse University Research Corporation strongly recommended increased use of paid, neighborhood-based security aides in the schools. Use of parent security aides has been tried successfully in schools in Cleveland, Berkeley, and elsewhere. Their effectiveness was found to be enhanced by their neutrality; that is, their lack of identification with either school officials or the police. Thus, I support H.R. 10641, the Safe Schools Act of 1971, which provides funding for these programs.
>
> In accordance with legal authority, high school principals should exercise their legal power to uncover drug usage, discharge and refer drug addicts to an alternate educational program. For these students interim school therapy centers for education and rehabilitation with psychologists and specially-trained teachers should be set up on an informal basis in storefronts and in the therapeutic communities. The board of education should refer heroin addicts to drug rehabilitation programs just as handicapped children are offered specialized care and education.
>
> Also, the various drug rehabilitative agencies operating within the city should become health service centers for the communities in which they are located. Rooms should be made available in every Phoenix House, Odyssey House, Reality House, and other therapeutic communities to be used by the schools for educational purposes concerning narcotics. Additionally, each house should have emergency detoxification rooms where addicts undergoing withdrawal symptoms can be provided with proper services. And here, most important, much of what I have said cannot be done without some money, and in some cases a good deal of it.
>
> The Federal Government, which in my judgment has not met its responsibilities in relation to this entire problem, should provide more funds for school drug programs. One encouraging sign is that moneys have been provided by New York State to operate the high school SPARK program, a drug prevention program. In some schools this program has been effective in educating students against drug abuse.

But it appears that the board of education has not been effective enough to stop drug abuse in our schools and to make our schools safe for both youngsters and teachers. Obviously, as I said, more Federal funds are a necessity if we are to deal with this problem in the schools effectively.

The numbers of young people abusing drugs has assumed enormous proportions within the last decade. Some of the factors leading to this "turn on" are:

1. Youngsters growing up in a television-oriented society find it difficult to distinguish between good—aspirin—and bad—amphetamines—drugs after so many television commercials have advised them to take pills to slow down, move faster, stay awake, go to sleep, get stimulated, relieve tension, think quicker, relax, reduce weight, and gain weight.

2. The easy availability of drugs of various sorts, hard and soft, in an affluent society.

3. A frenetic desire "to be happy." Young people enjoy the euphoria or the excitement induced by drugs. Drugs bring "happiness."

4. The tendency of persons with psychological problems to run away from their problems by drowning their perceptions in drugs.

5. Young people's disenchantment with society. A loss of faith in the traditional, political, religious, and social institutions of society.

6. A search for sharpened perception and heightened creativity, which some persons believe they obtain from strong, mind-altering drugs.

And finally, the fact that many of our young people find school not relevant and material to their needs. Until such time as alternate methods of education are developed and implemented, little headway will be made in bringing students to schools to learn.

Unless drug abuse by young and old, rich and poor, learned and ignorant, is stopped or at least diminished the very fabric of our society will be torn into shreds.

I ask this committee to give consideration to my proposal to establish a metropolitan drug addiction commission. An all-out war on drug abuse through drug prevention and rehabilitation efforts in the entire tri-State area.

Drug abuse, just like air pollution, knows no geographic boundaries. There is too much waste and duplication in the present programs. We have 200 public and private programs in New York City alone, each unaware of what the other is doing and maybe not even interested. Only interested in their own program.

There is a lack of coordination. We need an overall umbrella throughout the whole metropolitan area.

I said that when we are threatened with external dangers we have total mobilization to fight those dangers. Today we are threatened with probably the most serious internal danger, domestic danger, drug abuse, and we need an all-out war to fight that, and a coordinated war.

We cannot afford to waste more time. Our best efforts and full resources are needed to fight the war against drug abuse.

Thank you very much.

Chairman **Pepper**. Mr. Comptroller, we wish to commend you upon what is obviously a very careful and long study of this problem and very meaningful suggestions and recommendations that you have made in your statement.

It is obvious that you have given long and careful consideration to this subject. As I said, we recall your able testimony in 1970 when our committee was here on the heroin problem. We perceived the concern which you so long manifested in this problem, because you do have a very serious heroin problem here in New York City.

We have a growing one in my city, Miami, Fla. We are finding the toll is tragic all over the country.

Two of your congressional representatives are members of this committee and they have been primarily responsible for this committee coming here to make a study of this problem.

I would like the members to have an opportunity to either ask you questions, or comment upon your testimony.

Mr. Brasco?

Mr. BRASCO. Mr. Beame, being a native New Yorker I am pleased to greet you here today. We know you as a most dedicated public official.

When we started the hearings we were all concerned, and greatly concerned in my district, about the problems of drug abuse. We came in not so much with the idea of fixing blame on anyone specifically or on any specific entity, but to try to expose the problem so we could begin to look at it realistically.

You have to recognize there is a problem before you can attack it. But what we really found, in speaking to teachers, students, parents, and other people in the city, is a really scandalous approach on the part of the board of education.

You spoke a moment ago about the board of education implementing a policy. Now, all throughout the hearing yesterday, from everyone that testified, it was absolutely clear that the board of education has no policy dealing with student drug abuses. I am wondering whether or not you were referring to something specific when you mentioned a policy; I am trying to find out what their policy is.

Mr. BEAME. What I made reference to, and I said, they are poorly implementing what policy they have.

I might say that what they do have is a policy, at least stated some kind of policy, involving emergency measures when a child overdoses. Even that is not very closely implemented.

I agree with you, Congressman, and I said so in our report issued in 1971, that they had no policy at all. They have since done something, but we could not upon inquiry get too clear from them what was done. But we did learn from some principals whom we spoke to that such a policy was indefinite to them.

Mr. BRASCO. The thing that disturbs me, even yesterday, with respect to the public health code, is that the schools are supposed to be reporting those who are victims. This is not being done. We heard testimony from the public health service, or the public health administrator, someone from his office, that in one period, I believe 1970, there were more than 200 overdoses reported, all under the age of 19. Obviously, a great number of them.

These are new deaths and a great number of them could be in schools. And I think under the provisions where the board of education has to maintain some kind of report, there were only six suspected cases reported.

Now, that is actually a violation of law. What are we going to do about that? As far as I am concerned, these people should resign right now, if the testimony that has come before this committee is not 100 percent, but just 50 percent true.

What is being done to get them to at least obey the law?

Mr. BEAME. Congressman, I agree with you completely, and I am not here to defend the board of education. As a matter of fact, what you have said, I had made reference to in the presentation, the failure to report to the narcotics register in accordance with the health code.

We found in the study we made in 1971 that some of the high schools had four or five cases of overdoses a week, and yet nothing was reported, or very little, if anything, was reported.

I agree with you 1,000 percent, there has not been conformance with the law. I understand that in the last 8 years they have reported a total of only about 150 names, and everyone knows that there are thousands who have been involved in this drug situation.

As a matter of fact, we made this estimate in our 1971 report, that there are one-third, about 100,000 students in the high schools alone, one-third of the high school register who have been either exposed to or experimented with hard and soft drugs.

Some people have said our figures are conservative.

Mr. BRASCO. The board also talks about the lack of money in education. I do not have the exact figures, someone is trying to get it—but to the best of my recollection the next fiscal year, elementary, secondary, higher education appropriations by Congress will run into the billions. More than $20 billion alone.

Concerning the moneys—is a part of the reimbursement for the schools based on a general register of students who are supposed to be in the school? In other words; do some of these schools you spoke about with only 73-percent attendance? Do they get money for the 27 percent that don't show up?

Mr. BEAME. No; let me put it this way: The State formula for school aid is, in my judgment, a formula which is deficient, should be corrected. I had, as a member of the State Constitutional Convention in 1967, proposed a constitutional amendment, which would have corrected it.

It is based on weighted average daily attendance and not based upon registers. This is the fallacy of the formula, because the teachers are provided based upon registers; supplies are bought based on registers; all expenses are——

Mr. BRASCO. But that would seem to me to be a terrible waste. If 73 percent show up, what happens to the teachers with respect to the other 27 percent that don't show up?

Mr. BEAME. Well, they are there. They have smaller classes.

Mr. BRASCO. And the supplies and everything else that are bought for the 27 percent that don't show up—and I assume that is over the course of the year. Is that a waste? Is that a proper use of money?

Mr. BEAME. Well, it is obvious that if the students are not there, they are not there for some reason. It is the reason we have got to get at to get them there.

In the first place, starting from the first base, the allocation of funds, in my judgment—and I don't know whether you are dwelling on that phase at all—is not properly done.

In other words, I believe it should be based on registration and not attendance.

Now, in terms of attendance in the schools, the drive, obviously, has to be for 100-percent attendance. To the extent that it isn't, it stands to reason that the waste is in the fact that the young people are not getting their education.

Mr. BRASCO. No, I know that. It seems to me that if moneys are appropriated for supplies, based on 100-percent attendance, and if only 73 percent show up there should be a surplus.

Mr. BEAME. Teachers are there ready to teach, but no students.

Mr. BRASCO. That is what I was trying to ascertain.

Mr. RANGEL. Mr. Chairman.

Chairman **Pepper.** Mr. Rangel, another of your distinguished Representatives, who is deeply in this whole question.

Mr. **Rangel.** I want to thank you, Mr. Comptroller, for coming and continuing your fight in this very serious epidemic that has swept the city.

Mr. **Beame.** I might say the same thing for you, Congressman.

Mr. **Rangel.** I certainly support your position and we are doing everything we can to get it out of committee.

As this committee has fought the drug problem, we have been involved in the international trafficking of drugs, and we are forced to get to the corruption that exists, sometimes in the law enforcement part of the problem. Now as we deal with the welfare of the child, where the epidemic really has its most serious burden, we find that the board of education has somehow managed to seal itself off away from the law, and law enforcement, and it is not cooperating.

All of this was very saddening news to us yesterday.

But to me, the most serious testimony I heard came from Dr. Olive Pitkin, who is director of the school health bureau. She testified yesterday that the children of New York, based on the 300 doctors they have, received an average of 1¾ hours of medical attention per week, per school.

Further, that even in examining the child, if the child is known to be a drug addict, she—who has the responsibility for the New York City health program in the schools—would have no way of knowing what was done in that particular case.

She seemed almost satisfied that they were doing a tremendous job, and yet no member of this committee could find out from her approximately how many addicts have been examined by the doctors, why it is that nothing has been done. You spoke in your testimony about mandatory education for teachers. The word "mandatory" in her office means absolutely nothing because only 50 percent of the staff have ever received any mandatory training related to detecting drug addicts.

Surprisingly enough, one of the mandatory programs was a movie and the other was listening to a police sergeant.

They have violated their medical oaths, inasmuch as there is no treatment to give, and they are not doing anything about it. They have not asked for one nickel in city, State, or Federal funds in order to do the job.

They refuse to report to the health registry. They refuse to report to the parents. And, indeed, they have refused to report to the director of the program, who could not even say what we can do.

In other words, Mr. Beame, it really seems as though those people who have the responsibility are not only acting immorally, but are acting in violation of the law and acting in violation of oaths they have taken as professionals.

As members of the committee, we recognize that the Federal Government has been derelict in its responsibility to the city, especially as it relates to this drug addict program, but how in God's name can we sell the program to Congressmen from rural areas when, right in our own city, we find those who have the responsibility, to wit, the directors of the school health bureau and the board of education, saying everything is going to be all right?

What can we do in this city—that is, your Representatives in Congress and city and State officials—short of turning this matter over to the district attorney and asking for indictment?

Because, as far as I am concerned, a parent cannot send a child to school without fear that he is going to be intimidated, without fear that he is going to be lured to drug addiction. And then he will find out the teacher, because some policy, whether union or board of education, refuses to cooperate with the police, and the very doctor who examines the child has no responsibility to do anything about it.

Where do we go, Mr. Beame?

Mr. BEAME. Well, I might first observe that in the 1971 report that we issued, we also make reference to the fact that the doctors at the board of education somehow or other do not think it is within their province or otherwise; they do not examine for drug addiction to determine whether the youngster is involved or not.

We point that out and indicated something ought to be done about it at the board of education.

Let me say, generally speaking, the board of education, as you know, is an independent body. It is not under the control of the city, except in the amount of money it gets. And when it gets that amount of money, the city has absolutely no control. It is like a lump-sum appropriation, and they can use the money in any way they see fit.

Mr. RANGEL. Forgive the interruption, because I learned to live with that. But the director of the school health bureau made it clear to us yesterday that they do not come under the control of the board of education.

As a matter of fact, even their nurses do not come under their control, so we have got the bureaucracy.

But the health bureau doesn't answer to the board of education. The doctors don't answer to the director. In other words, this is just a freely structured thing—do your own thing.

Mr. BEAME. Obviously, the State education department has the responsibility in seeing that the board of education carries out its responsibilities, and I cannot differ with you, or in any way quarrel with you, about some of your conclusions about the failure of the board of education to meet its responsibilities. I agree with you. That is what I have been saying. Obviously, it has to take two facets: One is to have the board of education, through the agency which controls them, to whom they are responsible, make sure that the programs and money which is allotted to them is carried out for the purpose it should, and secondly, it requires, and we cannot get away from this, an input of funds on the part of the Federal Government.

It is something which I think both must go concurrently.

Mr. RANGEL. I am not quarreling with that, Mr. Beame. You can tell the teacher that he or she must detect the addict. What bothers me, emotionally, is that a doctor who has been trained in medicine, who has examined thousands and thousands of children every year, has not reported to the registry, has not reported to the parents, has not reported to anybody the fact that he is operating in an epidemic situation within the city of New York.

As a matter of fact, Dr. Pitkin informed us that while she is aware there is an epidemic in the city, she has no statistical data, no reports from any of the 300 doctors out there in the field, to indicate the type of medical problems they are facing.

I cannot see how in God's name her agency would be able to prepare a budget, if you will, to submit to your office to combat this problem—and assuming the Congress was ready and willing to help—when she has no data as to how many, if any, drug addicts are in the public school system.

It seems to me the ultimate burden must fall on those people who have taken an oath to take care of one's health, as opposed to the educators.

Mr. Beame. Well, as I indicated to you, I don't disagree with the fact that responsibility has to be placed where it belongs. Now, the board of education has the basic responsibility to report this. Whether the information funnels up to them, I don't know at this point. But in any event, the responsibility is on the part of the board of education to see that the health department is made aware of whatever conditions exist with respect to drugs, vis-a-vis the doctor's examination.

Now, if the doctor does not do what he is supposed to do, obviously that is where the fault would be. And it might conceivably be—and I can't give you the answer—the health department is responsible for setting forth the guidelines or the board of education, I would not be able to give you that answer offhand. I would think they both had a responsibility in this.

Mr. Rangel. But it seems to me under the law as it presently exists, that certainly, to say the least, there is a code of ethics for the doctors in the city of New York. The American Medical Association, which finds it so easy to talk about heroin maintenance, should take a look at those who are being paid to look at heroin addiction. Also, perhaps the district attorney's office because, based on the information received by this committee yesterday, it is clear that on one set of facts where they operate the SPARK program, somebody is saying the addict is there, but as relates to the information which they are required by law to submit, no one can find the addict.

Mr. Beame. Yes. It might be, as I say, the fault of not setting forth the proper guidelines for doctors; just as we find that similar kind of fault in not setting forth the proper guidelines for teachers.

Mr. Rangel. Thank you, Mr. Chairman.

Chairman Pepper. Mr. Winn, any questions?

Mr. Winn. Thank you, Mr. Chairman. I don't have any questions, but I want to compliment you, Mr. Beame, on a very fine statement. I think this is certainly one of the truly constructive statements that we have heard in these 2 days of hearings.

It seems to me, along the same line that Congressman Rangel was following—and I don't disagree with your statement that Congress probably has not done its share in funding programs—I would have to agree with Congressman Rangel that, if we would fund programs and if we expect to sell them—and I think the Congress will rely upon the opinions of the members of this committee a great deal—we would have to report back the gaps that we found up here as far as jurisdiction is concerned. Certainly on your part, you do not have any lack of information of the problem.

I mean, you are certainly aware that we have an epidemic problem in the schools here.

I felt after yesterday's hearings, from some of those who appeared and we may have some more today, that too many of the educators, or the teachers, or the principals have the philosophy that their job is only education and that they should not be a part of pointing out or helping addicts, or referring them or sending them to doctors or to the health agencies, and that they are not law enforcers, and that is the tack that they are going to take.

Would you have any opinion on that?

Mr. **Beame.** Well, it may be that some have. Some of the flak our people got in conversations, as they went around to the schools, was the feeling to a great extent that some of the teachers are hesitant, perhaps, to do some things. First, because as I say, the guidelines are not clear as to where they are going; and, secondly, because they are not so sure they are going to be backed up by the board of education on some of their actions.

Mr. **Winn.** I think that is an extremely strong point right there. That at the present time, anyway, many of them may not want to become involved because of some possible legal entanglements on their own, if particularly they are not backed up by the board of education.

In your July 1971 report, you brought out the fact that you issued 24 recommendations concerning drugs—this is on page 3—concerning the use of drugs in the schools, and your report makes 24 recommendations. I just wonder if the board of education—and we will have some of them, I guess, this afternoon—if they are aware of the recommendations you have made.

Mr. **Beame.** I would say they are probably aware now, although I did make the point in my presentation to you that practically the next day, or maybe the same day that they got this report, their only reaction was that it is political, without perhaps having read it. I don't know why they used the expression that they did.

Mr. **Winn.** Why should they think it would be political if you are trying to make a constructive 24-point recommendation dealing with their problems?

Mr. **Beame.** I think you ought to ask them that.

Mr. **Winn.** I think we will.

Mr. **Beame.** But I will say this, that I am informed that they must know of these, because I am informed that in several of these areas they have begun to make some kind of move.

Mr. **Winn.** Yes, but you recommended that they set forth guidelines. That is one of your recommendations. I believe it is the first one, or certainly one of them.

Now, from what we heard yesterday, some of the witnesses said they found no guidelines or that the teachers, or the principals, or those in charge of the boys' activities, could find no guidelines from the board of education. That is the gap I referred to a little while ago.

Mr. **Beame.** The only one we are aware of—and that is why I expressed it in the general term in my presentation—is that with respect to emergency cases on overdoses, we have been informed that they have issued some guidelines. But in terms of the general way to handle the drug abuser, or the heroin addict, there were no guidelines which were clear, which the teachers had been given, or any indication that the teachers or principals were aware of what to do.

Mr. **Winn.** I am aware that they would have to have guidelines as far as the emergencies are concerned, but what we are trying to get at is so we don't have the emergency situations. Or certainly, to cut those way down.

Mr. **Beame.** I say it is an improvement in the sense they did not have it before.

Mr. **Winn.** I gather in your opinion they have still a long way to go?

Mr. **Beame.** Oh, yes; by all means.

Mr. **Winn.** Because the guidelines, according to some of the teachers and principals, because your inspectors, or whatever you call the people, were very nebulous, very vague on exactly what those guidelines were.

Mr. **Beame.** That is right.

Mr. **Winn.** So there is a real weakness in the program, isn't there?

Mr. **Beame.** Absolutely.

Mr. **Winn.** The point you made at the last, page 7, there were 200 private and public drug programs in New York City alone.

Mr. **Beame.** More than that.

Mr. **Winn.** More than 200. And you feel there is a complete lack of coordination, that everyone is going their own way. We in the Federal Government are well aware of this because many of the people in these programs—I am not criticizing them—come down with their hands out for Federal funding. We refer to other programs in New York City, or other programs in the Nation, and they are not aware of those, at all. They are not aware of what the other guy is doing.

Mr. **Beame.** We have too much competition among them.

Mr. **Winn.** Competition for the dollar, and lack of coordination for the cost.

Mr. **Beame.** That is right.

Mr. **Winn.** Thank you very much.

Chairman **Pepper.** Mr. Mann?

Mr. **Mann.** The 200 agencies you are talking about in the drug programs, have you made any analysis of how many are publicly funded and how many privately?

Mr. **Beame.** I used the term 200 public and private. Of course, you have the city and State of New York included. Practically all of them are publicly funded, not completely in some cases, but in many cases they are publicly funded.

Mr. **Mann.** This will place your office in a pretty good position to analyze.

Mr. **Beame.** Yes.

May I say that what has happened is this: More than a year ago we had what we called consultant contracts in the city of New York which were given out without public knowledge, without public hearings, without public discussion. They ran into tens of millions of dollars.

I felt that this was wrong, that there should be a public hearing before the board of estimates, before any of these contracts were awarded. And so we had—after a court case which I won—we had a law introduced which requires that any contract for personal services over $10,000 must be approved at a public hearing before the board of estimates, before it becomes effective.

At every board of estimates meeting we had many of these contracts which come in. There is a public hearing now. As a matter of fact there has now been set up, because of the tremendous amount of contracts involving drug addiction, for these different agencies there has been set up a subcommittee of technicians of the members of the board, to examine these contracts before they are placed on the board of estimates calendar to determine which ought to go on and which not.

In their determination they always look for evaluations. I may say to you that up until very, very recently there has been practically no evaluation of these places. We are now pressing for it, and the Addiction Services Agency of the City of New York has now set up an evaluation program, as a result of our pressure and that of the board of estimates.

So that we hope when these contracts come in for renewal next year that we will have a better picture in each of these as to what we have accomplished, how many are going into the program, what the recidivism has been, and what has been the so-called cure factor.

This is what is being done today. We are very well aware of it, the board of estimate is, not only because of the importance of the problem itself, but the fact we want to record wherever possible the letting of contracts, just to keep people busy.

Mr. **Phillips.** I think your answer, Mr. Beame, also incorporated the thought, you awarded these programs from time to time. Does your office have the opportunity to go out and look at these programs in order to see if the money is being spent well, or not?

Mr. **Beame.** Yes, we do; to the extent feasible and possible. We are very short in our auditing setup. I do want to make this general observation. We did a very thorough auditing of the Phoenix program.

Mr. **Phillips.** Can you tell us what you found?

Mr. **Beame.** Well, we found a great deal of mismanagement, we found questions of conflict of interest, we found that certain things were done there, use of certain moneys, which were questionable. The use of the time of some of these drug addicts in some cases for the benefit of the administrators. We have a report which probably is about 100 pages thick—we will be very glad to give you a copy—and I think it had its effect. Because, as a result of our recommendations there was a separation, because it was from the past an interwoven setup between the Phoenix House program and the Phoenix Foundation. We found interlocking boards of directors, and sometimes you didn't know which hat they were wearing.

As a result of much work on the part of our office, on a contract which was submitted within the last several months, and which had been adopted finally, we had many of the recommendations for improvement incorporated therein, which protects the interests of the city.

Chairman **Pepper.** Mr. Sandman.

Mr. **Sandman.** Mr. Beame, coming from a neighboring State, New Jersey, I want you to know I appreciate the many things you have done over the years. I have tried to keep abreast of them.

I would like to ask you: What has been your experience with OEO money that has been granted to the city of New York for drug addiction treatment? Have you had any experience with it?

Mr. **Beame.** Well, this would be part of the picture we would be looking at. Some of that money, of course, goes for rehabilitation. But I want to make this observation with respect to generally the so-called antipoverty programs, which I assume you have reference to.

Mr. **Sandman.** Right.

Mr. BEAME. I referred a moment ago to the fact that we on the board of estimate have the right to look now at the so-called personal service contracts and have a public hearing and ask questions and vote "No" if we think it is wrong.

Mr. SANDMAN. But you don't have any control over the money, though; do you?

Mr. BEAME. No; the money is Federal money. But I haven't finished my observation on it.

Something which is very difficult for me to understand is the antipoverty operation came in and protested the fact that we looked over the program and we have no right to, because it is federally funded. And that it is done through a corporation, the Council Against Poverty, which is the recognized agency from the point of view of the Federal Government.

They even got a communication from the director stating that if we were to question the merits, there would be question as to whether we would be endangering Federal funds. Something which is beyond comprehension to me, but this is what we are faced with.

The result was that we were compelled to exempt those contracts from public hearing before the board of estimate, and from voting on them, as to whether they should be done.

Mr. SANDMAN. Do you have any idea how much the city of New York was entitled to, of those kinds of funds, in 1971?

Mr. BEAME. Right offhand, I don't.

Mr. SANDMAN. The reason I ask this question, Mr. Beame, is I assume this is one of the reasons why you are recommending an overall metropolitan commission to coordinate the more than 200 programs.

Now, following that up, are you satisfied that we got our money's worth out of the OEO moneys that were allotted to the city of New York for this purpose?

Mr. BEAME. As I indicated to you, we don't have the opportunity to evaluate.

Mr. SANDMAN. I understand.

Mr. BEAME. Therefore, I couldn't give you the answer.

But I do want to make this observation, that the metropolitan drug commission which I recommended, I believe should be somewhat approaching the Appalachian regional commission; to wit, I would like to see all Federal, State, and local funding, that this would be the one agency to administer the whole program, to set up standards and so on and so forth, to deal with impact so we have uniformity and proper authority and so on.

Mr. SANDMAN. We are of the same thinking. I am not arguing with you. I think your position there is sound. The OEO program, as I understand it, is exactly the way you operate.

This is exactly what you are explaining, isn't it? You have the right to approve or say you approve of their budget or how they are going to use their money, but they have no authority over the money at all, or the programing; isn't that correct?

Mr. BEAME. Yes. Let me say this Council Against Poverty, it is true I am represented on there, but the board of estimate as such does not get the contract, nor do we in essence on the Council Against Poverty actually get the contracts, to look into them, and see whether they are appropriate or money should be spent for it.

I only make this observation because I would assume somebody would say you are a member of the Council Against Poverty. Yes, we are, but we don't have the facility to get into that in the council.

Mr. SANDMAN. May I ask you this question: The people who have control over these poverty funds, in your opinion, do they capably handle this money, for this purpose? Do they know what they are doing?

Mr. BEAME. I would not want to venture an opinion offhand without getting into some more facts.

Mr. SANDMAN. One last question: In your statement you say in Brooklyn High School the dean reported a thousand students who are heroin addicts. How many students are in Brooklyn High School?

Mr. BEAME. In that high school?

Mr. SANDMAN. Yes. Offhand—it doesn't have to be exact.

Mr. BEAME. Generally, of course, you have got in the thousands. You may have 3,000, 4,000 or 5,000 generally.

Mr. SANDMAN. You say about 5,000?

Mr. BEAME. I would say so.

Mr. SANDMAN. And 20 percent of them are already addicted to heroin?

Mr. BEAME. Well, a lot of them, of course, don't even attend school.

Mr. SANDMAN. I mean, are these known addicts; or part of a guess?

Mr. BEAME. This information—and I read it as a quote, if you recall—this is a quote which was given to us in that instance by probably the dean. This was not our information. Obviously, there are no records available to show that, so we had to depend—and this is when our staff went in. Mr. Hornblast here did most of the work there. We went in there and they would speak to teachers, speak to counselors, speak to deans, and even speak to security guards and pushers.

Mr. SANDMAN. Did these people have accurate statistics to give us such alarming figures?

Mr. BEAME. You mean the school people?

Mr. SANDMAN. Yes.

Mr. BEAME. I don't think they have.

Mr. SANDMAN. I can't see how this is possible.

Mr. BEAME. This is the whole basis, they don't have accurate data.

Mr. SANDMAN. Right.

Mr. BEAME. There are a lot of things they don't have. But this is the opinion, or at least the information which was given to us, and I said it before, as a quote from the dean in that instance.

Mr. SANDMAN. But if somebody comes and represents, as this dean did, that a thousand students are addicted to heroin in one high school, this is an alarming estimate. That is more people who are known to be addicted in one high school than there is in the largest county of the State of New Jersey who are known addicts. This I cannot see being possible.

Mr. BEAME. All I can say is this is what our information was.

Mr. SANDMAN. Thank you.

Chairman PEPPER. Mr. Murphy.

Mr. MURPHY. Mr. Beame, I am wondering if the LEAA program has been of any benefit in this fight. Have any of these funds come down from LEAA? Congress appropriated a lot of funds and there is much controversy on whether or not these funds are reaching their intended objectives. I wonder if you could comment on that?

Mr. BEAME. Well, in the general sense, I have taken a position with respect to the Criminal Justice Coordinating Council here in the city, that I don't think that all of their programs have reached the purpose for which it was intended; namely, making the streets safe.

I have written to the director expressing my opinion. I would be glad to send copies of our communication to the members of the committee.

There are some problems which in my judgment are helpful in the Safe Streets Act, but I believe there are others which are too tangential and really do not touch or really hit that basic objective of making our streets safe.

A lot of studies, which perhaps are to go, or some actual programs dealing with action, rather than with studies.

I would be glad to send members of the committee that.

Mr. MURPHY. I would appreciate that.

As I see the problem we, in the Congress, appropriated funds for various programs, such as LEAA, OEO, et cetera. Then we left it up to the bureaucracy to get these funds down to where they are supposed to be helpful.

From your statement here today, I gather that there is really nobody who is responsible, who you can go to, to see what is being done. You feel that the city or the county or whatever government, should sit in on these decisions and monitor the proceedings affecting these decisions.

Mr. BEAME. Actually, with respect to the LEAA funds, there is a Criminal Justice Coordinating Council which was set up.

Mr. MURPHY. Is that effective, though, does it respond?

Mr. BEAME. Well, we have differences of opinion. Of course, I am a member of that committee, and I have expressed myself, as I indicated to you, the majority of the committee obviously thinks differently because they have gone along with these programs. After contracts are drawn, they come before the board of estimate. And I may say that there, too, we received a communication from the Federal agency saying we are not allowed to discuss the merits, we can only talk about its fiscal affairs.

Well, we have sort of taken the position that everything we say affects the fiscal affairs. So, therefore, we get into the merits.

But the point I am making is that at these board of estimate hearings, I voted against several of these contracts because they do not meet the objectives of making our streets safe.

Mr. MURPHY. Could you get more specific as to what particular project you are referring to?

Mr. BEAME. Well, again, I would like to send you copies. At this point I don't know if I can specifically indicate. One comes to my mind, but there are a couple that we voted against at the last meeting.

Mr. MURPHY. Mr. Chairman, I would like this report of Mr. Beame's to be made a part of the record, if there is no objection by any member of the committee.

Chairman PEPPER. We would thank you very much.

Mr. BEAME. We will send you a copy of those, and maybe a statement accompanying our vote.

(The information previously referred to follows:)

[From the city of New York, Office of the Comptroller, Abraham D. Beame, Comptroller]

NEWS

(For release after 6 p.m., Saturday, October 30, 1971)

Comptroller Abraham D. Beame said yesterday that less than one percent of the $25 million in Federal funds available to the City's Criminal Justice Coordinating Council has been allocated to the investigation of organized crime.

At the same time, Mr. Beame urged that the Council consider "a reordering of its present criminal justice priorities to accommodate certain significant problems within the system which are in need of immediate attention."

The Comptroller asked the Criminal Justice Coordinating Council to give special attention to:

Overcrowding in City detention facilities.

The increased rate of bail forfeitures and non-appearance generally.

The escalating violent crime rate in New York City.

The central role of organized crime in the City with regard to distribution of narcotics.

The Comptroller's request that these items be given higher priority by the Mayor's Criminal Justice Coordinating Council was contained in a letter to the Council's Director, Henry Ruth, released yesterday.

Mr. Beame suggested that the CJCC explore with the State Planning Board and the National Office in Washington of the Law Enforcement Assistance Administration, the possibility of formulating a policy, both state wide and in our City, which would facilitate the construction and/or renovation of temporary detention facilities.

He pointed out that this was authorized under a recent amendment to the LEAA statute. However, he said that, as a matter of policy, the New York State Office of Crime Control Planning has determined that it will not apply for funding in the area of construction. This policy, he added, has not been opposed by CJCC.

Mr. Beame said, "In my view, the decisions of judges of the Criminal Court should not have to be influenced by the problems in City jails. When overcrowded detention facilities become a factor in making decisions as to bail and parole, the true administration of justice must suffer. Moreover, the people of this City, the potential victims of crime, bear the uncertain consequences of both eased bail and release practices, and alternatives to 'secure' detention necessitated by this City's apparent inability to provide decent, adequate, and appropriate detention centers for *those who are not suitable parole risks.*"

The Comptroller pointed out that the State Investigation Commission's recent report indicated that the Special Investigation Unit of the Police Narcotics Squad was operating with "inadequate and antiquated equipment."

"Since this part of the Police Department is directly connected with organized crime investigation, certainly the Council should follow through on the SIC recommendations that a base radio, needed automobiles, and surveillance equipment be supplied to facilitate narcotics investigation."

In other suggestions to Mr. Ruth, Mr. Beame recommended that the full membership of the Council, rather than the Executive Committee alone, consider proposed criminal justice contracts. He also suggested that a limitation be placed on the numbers of experimental programs which the Council may fund, until full evaluations of these programs are available.

(Text of Mr. Beame's letter to Mr. Ruth follows:)

THE CITY OF NEW YORK,
OFFICE OF THE COMPTROLLER,
New York, N.Y., October 26, 1971.

MR. HENRY RUTH,
Director,
Criminal Justice Coordinating Council,
New York, N.Y.

DEAR MR. RUTH: In a recent communication to members of the Criminal Justice Coordinating Council, you requested comments and proposals from Council members concerning plans for proposed expenditures of Law Enforcement Assistance Administration funds for the coming year in New York City.

I am advised that the basic outline of next year's proposed plan, as described by Mr. Appleton of your office at a membership meeting on October 7, 1971, indicated that the priorities outlined in the present report of the Executive Committee would remain basically unchanged in the coming year.

It is my view that many of the programs already funded under the 1971 plan are well-conceived, innovative, and potentially useful to the criminal justice system in New York City. However, I recommend that the Council consider a reordering of its present priorities to accommodate certain significant problems within the system which are in need of immediate attention.

I refer in particular to the overcrowding in City detention facilities; to the increasing rate of bail forfeitures and non-appearance, generally; to the escalating violent crime rate in this City; and, to central role of organized crime in New York City in the distribution of narcotics. All of these problems are well-known and widely documented. I believe that these items should be higher on the priority of the Mayor's Criminal Justice Coordinating Council.

There is no doubt that reduction of recidivism is a meaningful part of any assault on crime in this City. Further, there is no doubt that New York City's overcrowded detention facilities provide little in the way of rehabilitative programs, and are very often breeding grounds for ever more criminal activity.

However, I must disagree that "the only remedy for detention conditions is to take out of detention as many persons as possible," as the Executive Committee plan for 1971 stated. On the face of it, a reasonable man would balk at the notion that the *only* way to relieve overcrowding in our jails is simply to let the prisoners out. There must be other ways.

What is troublesome—and I believe it would trouble many citizens who now walk our streets with a certain amount of fear—is that there has been no search by the Council for other ways to alleviate overcrowding, while insuring public protection, than the emptying of our detention facilities. No discussion of this problem is reflected in the plan prepared for this year, nor did the recent meeting outline how such other programs fared in this regard in the past year.

It was indicated at this October 7th meeting, however, by Corrections Commissioner McGrath, that the detention population in the City's correctional facilities was even higher in the first week of October than in the previous period last year. The Commissioner indicated further that New York State might well refuse to accept additional transfer prisoners from New York City, and that a very real possibility existed that some 1,000 prisoners might be returned to the City's facilities in the near future, because of overcrowding in New York State facilities.

The Council's response to Mr. McGrath's information contained no suggestion that additional facilities be located either on a temporary or permanent basis by the Council to alleviate overcrowding. Rather, the response indicated that overcrowding would continue to be handled through eased bail and release practices in the Criminal Courts.

In my view, the decisions of judges of the Criminal Court should not have to be influenced by the problems in City jails. When overcrowded detention facilities become a factor in making decisions as to bail and parole, the true administration of justice must suffer. Moreover, the people of this City, the potential victims of crime, bear the uncertain consequences of both eased bail and release practices, and alternatives to "secure" detention necessitated by this City's apparent inability to provide decent, adequate and appropriate detention centers for those who are not suitable parole risks.

In recognition of a national need for improved facilities in correctional institutions, the L.E.A.A. statute was amended recently to permit states to apply under Part E of the act, for funding of a comprehensive statewide program for construction, acquisition and renovation of correctional institutions throughout the State.

It is my understanding that the New York State Office of Crime Control Planning has determined that, as a matter of policy, it will not apply for funding in the area of construction. Instead these funds are presently being routed to various experimental programs in the post-arrest process. Undoubtedly, there are many opinions as to the best use of the limited funding provided under the act. The approach to detention construction expressed in the report of the Mayor's Criminal Justice Coordinating Council, indicates, however, that construction of detention facilities was not urged upon the State Planning Board by the Criminal Justice Coordinating Council.

I suggest that the Criminal Justice Coordinating Council explore with the State Planning Board and the National Office in Washington, of the Law Enforcement Assistance Administration, the possibility of formulating a policy, both statewide and in our City, which would facilitate the location, construction and/or renovation of temporary detention facilities, at least.

The experiments in detention alternatives currently being conducted in New York City with Federal funding set aside by Congress for law enforcement in New York City, may have great value at some future date for research and re-evaluation of the entire penal process. However, these programs do not represent a panacea for crime control in our City. The realities of crime in this City and its direct consequences to the public, to my mind, should be the first order of business of the Criminal Justice Coordinating Council.

The dimensions of this crime problem have been expanded, in part, in the past two years by the phenomenal increase in bail jumping statistics. In June 1971, the New York Times reported that in the preceding eighteen-month period, some 100,000 persons had either forfeited bail or failed to appear in Criminal Court, following arrest and arraignment. In July of the same year, Police Commissioner Patrick V. Murphy indicated that each week some 2,000 new bench warrants for bail jumpers and non-appearance generally, reached the Police Warrant Squad for action. While there probably are a great many offenses of a minor nature included in the non-appearance rates reported by the police, there are no minor offenses in the numbers reported to have forfeited bail in this City. Bail is rarely imposed on summons-type offenses. Unlicensed peddlers may increase the non-appearance rate, but the bail jumping statistics usually represent genuine criminal behavior. Presently, even felons who forfeit bail are rarely apprehended until arrested for a new crime. Certainly, it behooves the Council to allocate part of its energies and resources to attack this problem.

Additionally, the Council has provided little assistance in the way of policy or programs for enforcement of narcotics laws in this City. The Federal Bureau of Narcotics and Dangerous Drugs has identified at least four major organized crime syndicates operating in this City, as the chief source of New York's drug importation, and as well points to this City as the chief distribution center for the nation in the illicit drug market.

But through this past year, less than one percent of all funding available to the Criminal Justice Coordinating Council was allocated for investigations of "organized crime." Certainly, under these circumstances, priorities are in need of reconsideration.

The State Investigations Commission's recent report indicated that the Special Investigations Unit of the Police Narcotics Squad was operating with inadequate and antiquated equipment. Since this part of the Police Department is directly connected with organized crime investigations, certainly the Council should follow through on the S.I.C. recommendations that a base radio, needed automobiles, and surveillance equipment be supplied to facilitate narcotics investigations.

As to the participation of Council members in the review of policies and programs adopted by the CJCC staff, it appears that under the Executive Order creating the Mayor's Criminal Justice Coordinating Council, only the Executive Committee of the Council can have any real role in review of such decisions.

I believe that the full membership should be given an opportunity to approve decisions concerning the criminal justice system in this City, and that in order to facilitate participation, evaluations of current programs should be made available to the members.

I would suggest also that a limitation be placed on the numbers of similar types of experimental programs which the Council may fund until full evaluations of the success of these programs are available.

Lastly, I would recommend that representatives of the work force of agencies within the criminal justice system, such as correction officers, police patrolmen, probation officers, legal aid attorneys, etc., be given an opportunity to meet with the staff of CJCC on a regular basis, so that a complete perspective on the needs and problems in these agencies may be obtained.

It is hoped that these areas of attention will be considered by both the staff and the Executive Committee for inclusion in the proposals to be adopted in the forthcoming year by the Criminal Justice Coordinating Council, so that a well-balanced program for the administration of criminal justice in this City may be developed.

Very truly yours,

ABRAHAM D. BEAME,
Comptroller.

Comptroller's Recommendations Concerning Proposed Addition to Manhattan House of Detention—June 26, 1972

Because I am informed that the staff of the Criminal Justice Coordinating Council has undertaken a study of alternatives to the proposed Manhattan House of Detention annex, I would like to present to the general membership as well as the staff of CJCC my view of the grave need for this new facility in New York City.

It is my view that the discussion of this proposed "Tombs" Annex in the 1972 Executive Committee Plan reflects an unwillingness to adopt a responsible approach to the problems of overcrowding in our city correction facilities.

Police statistics indicate that an exceptionally high number of felonies, (500,000) are reported annually in New York City and that more than a quarter million arrests are made each year by the Police Department. Yet despite this awesome picture of crime in our city, the backup capabilities of our corrections facilities stand at only some 4% of the annual arrest figures.

A Rand study completed in 1970 projected an increase in correctional population in New York City in excess of 20% by 1975. Thus far the detention population growth has kept pace with the demographic projections of the Rand study, but the additional construction warranted by the report's conclusions has not. Last year our city's correctional system operated at an average of 135% capacity within a system designed for effective operation at 80% of that capacity. In addition, close to 2,000 city sentenced prisoners are housed at upstate prison facilities.

We live every day with the threat of another riot within these overcrowded, ill-equipped and inadequate institutions. At one point earlier in this year, the Board of Corrections indicated that it would seek to refuse admissions of new inmates because of these conditions.

Four years ago, the Vera Institute of Justice conducted a survey of New York City's preparedness for emergency conditions, such as major civil disorder or riot. They concluded that New York's lack of detention facilities would be a chief factor in its inability to cope with any major incident involving mass arrests.

The Rand study of corrections population verified another factor, too—that the lack of space in city detention facilities markedly lowers the remand rate in the Criminal Courts.

Under our system of justice, the Court, not the Corrections Department, should determine the remand rate, upon those factors which produce the best assurance of adequate public protection and the true administration of justice.

However, it would appear logical that the lack of detention facilities now affects the limits of referral for the Court, regardless of what other factors may appear. In short, in many cases, it can affect the Court's judgment as to the amount of bail which should be imposed, whether an accused should be released on recognizance, whether a sentence should be imposed or suspended. The ever-present consideration for Criminal Court Judges must be that there is little or no available space in local institutions.

All of the factors are well known to the administration and to members of the CJCC who work within the criminal justice system. Yet, the 1972 Plan does not allude to this aspect of the crisis within our Courts, at all, nor does it treat the effect upon public safety of these factors.

Moreover, it passes over the rising non-appearance rates in the Criminal Courts of this City, which now route some 2,000 bench warrants per week into the Police Warrant Squad for execution. The size and capability of the new Criminal Justice Bureau has been expanded, but to what end? The return to court on a warrant results in the re-release of the violator in many cases, because of the lack of space in detention.

What the CJCC Plan does speak to in relation to overcrowding is the implementation of pre-trial release programming, work release and detention alternatives of varying types. But, such programs are primarily designed to serve goals of penal reform, such as more individualized treatment, rehabilitation and employment opportunities, and not merely to relieve overcrowding. If our knowledge and growth in this area is to be meaningful at all, then experimental programming of this nature is necessary and would be whether our corrections facilities were adequate or not. In seeking to solve all of our city's criminal justice ills, it seems that CJCC may have underestimated the critical lack of space in detention facilities and overestimated the ability of detention alternatives to compensate. If this is so, then it is entirely possible that these experimental programs will become so overburdened that no useful evaluation of their effectiveness will be forthcoming. What is needed is a balance, not a polarization of approaches to detention.

At the present time, the lack of space in detention is a very real hazard to public safety, in view of the rising crime rate and the non-appearance rate.

We must remember that the inmates of our city's detention facilities are not the only prisoners in this city. The people who live and work in this metropolitan area are in a very real sense prisoners of our floundering criminal justice system. Women, elderly persons, the infirm, the poor, are the chief victims of crime in our city. Most of our population are locked in their apartments after dark, unless they own private transportation. Our city streets, subways and parks have been taken away from the people of this city in the high crime hours of the evening and more and more often in the daylight.

Certainly the people of this city must be the primary concern of the CJCC, an agency created and designed for their increased safety and security.

I strongly recommend that the council membership and the staff review the need for additional detention facilities in this city carefully and judiciously. As the City's Comptroller, I am only too well aware of the cost of another detention facility for this city, but I am also mindful of the cost of human life and human suffering, whether inside a correctional facility, or outside on the streets of this city. If tax dollars can eliminate in some manner the distress of both, it is my belief that we can hardly afford not to spend them.

Mr. MURPHY. I take it, Mr. Beame, that the board of education is supposed to be out of the realm of politics here in New York; is that correct?

Mr. BEAME. Correct.

Mr. MURPHY. I know we had that situation in Chicago. I would like a personal observation on your part. Are these boards responsive when they reach that independent role? Everybody in the press seems to say we should leave the board of education out of the realm of politics. But who can make them more responsive?

We have a great deal of difficulty in Chicago, too, trying to get information out of them.

Mr. BEAME. Well, of course, you have first the State education department, which obviously has a legal responsibility to see that the board of education's objectives are carried out.

Secondly, you have the State comptroller who has the right to audit, the city comptroller had a right to audit until this year, last year, when a bill was passed giving the right to audit. We are now working up something with them.

I might say this as a very interesting sidelight to that question: The city comptroller has the right to examine every invoice prior to paying, what is known as freeholding, for every city agency except the board of education. And in the board of education only with respect to certain kinds of construction contract.

But that is only on the basis of agreement. We had no right, for example, to check beyond three factors: Illegality, fraud, or mathematical error. But with all other agencies we can go on and check not only those three, but justness and reasonableness. We do not have that power with respect to the board of education.

We had a bill introduced in Albany, passed by the legislature, vetoed by the Governor, so that today we only have the right to examine into these three phases. But if they were going to go on and spend money for something we think is completely illogical, unreasonable, we have no choice other than to say to them we think it is wrong, and they may agree and withdraw, or permit the change.

But beyond that they don't have to.

Mr. MURPHY. It seems to me that if we who hold an elected public office make a mistake we are held responsible to the voters in the next election. I have found that people on the various boards of education and in Civil Service operations, who make error after error are not made to atone for these errors. It is like punching at the wind. I think we should thoroughly review this.

That is all the questions I have.

Chairman PEPPER. Mr. Keating.

Mr. KEATING. Thank you, Mr. Chairman.

Mr. Beame, I appreciate your testimony and I am impressed with what you had to say here today. I am interested in your comment that the board of education plays politics when someone tries to interfere with something they are doing and it makes me feel they want it both ways.

They play politics when it is necessary or something affects them adversely or someone is invading their extreme politics. Not only here, but quite generally.

I would like to ask a couple of questions which may not be within your area of expertise. I am interested in knowing what position, if any, the teachers' union has taken with respect to the narcotics problem in New York. Have they made any comment or instructed their membership in any way?

Mr. BEAME. From what I have read, they are very, very strong in their feelings about that, trying to get something done to eliminate this problem because they are, obviously, on the firing line.

Mr. KEATING. Their membership is on the firing line. They are subject to criminal attack in areas of great crime issues, they are subject to abuse if they make the report.

My question is: Is there any pressure from the unions themselves to get after the board of education, or the supervisors or principals within schools, to back up their teachers or in trying to encourage them to support incidents of violation as far as narcotics are concerned?

Mr. BEAME. Well, of course, as I have indicated, I am not acquainted with all of their doings. But I do know from what I have read in the papers, they have been very vociferous in their demand that this problem be properly attacked. They have requested that particularly something be done about the security situation in the schools.

As a matter of fact, I believe it was as a part of their contract negotiation.

Mr. KEATING. It is one thing to complain about it, and it is another to do something about it. We have a lot of complainers in the world today but not very many doers. My question: Are they willing to encourage the suspension of their teachers who fail to report narcotics violations? Are they willing to suspend and encourage the suspension of the members of their teachers union where they instruct, as I saw from the testimony yesterday of others, in narcotics, or encourage it, or permit it?

Mr. BEAME. Well, I certainly am not qualified to give you that kind of answer. That will have to come from the federation.

Mr. KEATING. Well, certainly, Mr. Beame, I am not attempting to put you on the spot, but I am trying to make a very valid point, that there should be responsibility and coordination, not only between the school system and the unions, but with law enforcement.

And it seems to me that one of the regulations—you set up certain regulations that the school should abide by, and certain recommendations. I would think that included in that series of recommendations should be suspension of the teachers, or dismissal, for failure to follow the regulations established by the school board for reporting, including narcotic addicts. How else are we going to achieve these goals here?

Mr. BEAME. I would say, if the board of education sets forth the appropriate guidelines, what the teacher ought to do, not only in the handling of addicts, but in the reporting system, obviously, failure to report would be a violation. Now, beyond that—I don't know whether I am answering your question—as to what the UFT, United Federation of Teachers union wants to do in that regard, is something which I don't think I would know.

Mr. KEATING. I am suggesting if the initiative is not coming from the board of education, and the previous inquiry seemed to establish that they are not doing the job, it seems to me that the unions ought to be taking some affirmative action to see that the board does; because they are an organized and strong force, an effective force, and I am sure looking after the best interests of their teachers.

I notice that one of the other members of this committee indicated the possibility that maybe the teachers or the school board is sealing itself off from the law. I might suggest that the failure to act, their acts of omission, really, are sealing themselves off from the students who are supposed to be the recipients of an education.

But no one seems to be really concerned about the responsibility that they are charged with; that is, not only the education of the students in their care and custody, but their safety.

That is a rather strong statement, and it is not in the form of a question, but it really seems whenever we have a problem, everyone says, "Well, let's have some more funds." I grant you we need more funds in many areas, but if people would do their job on a day-to-day basis it may not be necessary to get as many funds.

I would like to commend Don, he has done a good job, but I am afraid, like so many other good reports, it is going to fall on deaf ears where people are trying to put in their years to obtain retirement and afraid to make waves. The teachers need support. They need support from their immediate supervisors in each school and at every level up to the board of education. They don't seem to be getting it.

Is there any effort to get greater cooperation from the parents? I see you held hearings. Is that program working very well?

Mr. BEAME. I don't think that program is underway. I recommend it as a program that ought to be considered by the board of education. As I indicated, there is legislation in Congress which would provide funds for just that kind of a program. I urge that something be done to support that.

Mr. KEATING. I notice that you indicate in one of your recommendations the young people find school not relevant and material to their need. And that you suggest some alternate methods of education. What are you suggesting?

Mr. BEAME. Well, of course, I first want to say, although I was a teacher at one time, I am not an expert on pedagogy. I do think there ought to be courses, or programs, which will attract youngsters at the school, whether they be expansion of some of the vocational activities, whether it be a program where the school goes out into the business world to teach their children.

In other words, a combination of both business and academic activities or courses. Something that will make education more relevant to the student who is not interested in the academic area.

Mr. Keating. As one being deeply interested in vocational training and basic business training for many years, I feel that the recommendation has a great deal of merit.

I am concerned, however, that many people in the educational field prefer the idea that everyone should be college trained. I don't think that is appropriate at all.

Mr. Beame. I agree with you, not everybody can be college trained. They should be given the opportunity to do that, but if they don't have an interest or concern in it, then you have got to try to develop the kinds of programs that will attract them, keep them.

Mr. Keating. Some of these programs are most honorable and very rewarding financially, and I think we sometimes forget these trades—maybe the educators forget—that these trades are honorable professions and people who are equipped physically or mentally for those can do as well or better than people who are college trained. We sort of have this snobbish attitude that people should all go to college. I don't think it is true.

Mr. Beame. I don't want to necessarily indicate that everybody should be given vocational training, but it is interesting, there is better attendance in the vocational schools than there is in the academic schools.

Mr. Keating. I don't indicate, either, that everybody should be in vocational training, but I think this is an area that needs a lot more attention, a lot more emphasis, because if it attracts the attention, and this is the way he is inclined or she is inclined, I think we should encourage it, to determine which way they should go.

Well, I am quite concerned with the basic and fundamental procedures that I think are lacking here, and in many school areas and the work to be done by the teachers and the individual principals, supported by the board of education, so that we can reach that day again where we once were, where there was discipline in the schools and the teacher can devote his time to that for which he is trained, and that is teaching, rather than being a truant officer or parole officer.

But they are going to have to do it in order to achieve this goal. Everybody is going to have to participate and sacrifice some before we are going to get there.

Mr. Chairman, I yield the balance of my time.

Chairman Pepper. Mr. Winn.

Mr. Winn. Mr. Beame, did you have any additional reports, such as the one Mr. Murphy asked you to submit to the committee? The work that your commission has done would be beneficial to this committee.

Mr. Beame. We have three or four reports on the drug problem. One deals with the administration of justice vis-a-vis the drug problem; one dealing with the administration of the problem, which culminated in the Metropolitan Drug Commission recommendation; the third dealing with the Phoenix House study; and the fourth dealing with the schools.

I will be glad to send each of the members of the committee a copy of those.

(See material received for the record, at the end of Mr. Beame's testimony.)

Chairman PEPPER. Thank you very much, Mr. Beame.

Mr. WINN. That is all. I just wanted to be sure they were introduced.

Chairman PEPPER. Mr. Brasco.

Mr. BRASCO. Yes.

Getting back to the board of education and the fact that when you issued your report and received comment on it, their only comment was that this was politically motivated, I am wondering whether or not the selection of the board of education, as it stands now, is the most effective way to do it. Because I understand that they are picked, not elected, by a borough president of each borough. That smacks of politics.

I am wondering whether or not we would have a more effective and more responsive board of education if they were elected by the people?

Would you comment on that?

Mr. BEAME. Well, that has been a matter which has been around so many years, pluses and minuses of appointment against election. Obviously, with election there is going to be a greater focus on responsibility.

Mr. BRASCO. That is the way it should be.

Mr. BEAME. However, normally, elected officials feel they cannot carry out their responsibility unless they have with it the power or authority to raise the funds to do so. In other words, the question then arises: Shall they be given the taxing power? As it is done throughout the rest of the State, where you have individual school boards which are elected, but which have with it not only responsibility, but authority to carry it out.

That is a very important question and one which gives rise to a great deal of problems and complications. I do not think it is all black, or all white, in that respect.

Mr. BRASCO. Well, it is pretty visible as it stands right now. It is lack of responsibility.

Mr. BEAME. As I say, the allied question with it is: Are you going to give that board the right to levy taxes. And within the government of the city of New York.

Mr. BRASCO. I agree, except that sort of begs the question. What we are really concerned with right now is where does one apply some pressure—I am talking about people who send their children to school and who can't work or stay at home without the deep fear as to what is going on in the classroom regarding their children's safety. Maybe it should be a combination of having elected members of the board and then proceed with the financing as it exists now.

Let me ask you this: Has the board of education requested any money or recommended any drug programs?

Mr. BEAME. They have recommended or requested money for drug counselors. Money was given to them for the appointment of several—I don't know how much—throughout the school system. Obviously they would like more if they could get that.

Mr. BRASCO. Well, the drug counselors, I assume, are the people who should be making the reports that they don't make under the public health law.

Mr. BEAME. I am not too acquainted with their specific duties. I think that would be better obtained from the members of the board or anybody who I presume will come here from the board of education.

Mr. BRASCO. You don't know how much city money is involved with respect to drug addiction programs?

Mr. BEAME. I thought you were talking about the drug counselors. I would say in the current budget, I believe there is about $18 million which has been allocated to them and most of it, or this so-called SPARK program on drug prevention.

The next budget, there has been a reduction of the funds, but there is a possibility that there may be certain other sources which might bring it up to the same amount.

Mr. BRASCO. These programs that have been evaluated by your offices. Do you have a report on those?

Mr. BEAME. They only started this program during the current school year. How effective it is, I don't know.

Mr. BRASCO. Before that?

Mr. BEAME. Before that, they had practically nothing.

Mr. BRASCO. They had nothing?

Mr. BEAME. No.

Mr. BRASCO. Let me ask you this last question. I asked it of everyone else, and I would like to get your opinion on it. I am beginning to think that one of the things we want to consider in terms of policies is identifying those who are addicts and taking them out of the school population and educating them and treating them separately and apart. When someone has the measles, chickenpox, or any other communicable disease, we don't think of letting them go to school. Now we have a situation where we have got a disease which is highly socially communicable, for which there is no known cure at this point, and it is just astounding how this has been allowed to go unchecked in our educational system.

What is your opinion on this?

Mr. BEAME. I think this could be given consideration, specialized schools for those drug addicts which, of course, would carry with it all of the necessary courses which they should have.

I think we ought to look into that. It is one of many possible areas that ought to be considered by the board of education to try to get these people back into the mainstream of education.

Mr. BRASCO. Thank you, Mr. Beame.

Chairman PEPPER. Mr. Beame, it seems to me from your able testimony and what we heard yesterday, that there are certain conclusions that are obvious. One is that the board of education should issue a firm, positive, definite mandatory guideline that drug use in the schools is to be forbidden and every principal and every teacher charged with the obligation must do everything possible to carry out that provision.

Secondly, we heard yesterday that the school authorities are somewhat hostile to the undercover agents there. The school authorities must cooperate with the police so far as necessary and, indeed, proper.

Third, there must be facilities, personnel, and programs implemented to deal with the problem as designed by the medical authorities and by the school authorities to implement the best possible method for treating those who are addicted.

Then we would not have such evidence as we had yesterday, that the medical department got few reports and hardly knew what to do about it, anyway.

The last thing, that there must be joint cooperation in the funding of these programs at the local, State, and Federal level. Would you agree?

Mr. **Beame**. Yes. I think you have summarized it pretty well.

Chairman **Pepper**. Good. Thank you very much.

Mr. Beame, you made a valuable contribution.

(The following material, previously referred to, was received for the record:)

THE NEW YORK CITY SCHOOL SYSTEM AND DRUG ADDICTION

(July 1971)

THE PRICE NEW YORK CITY PAYS FOR DRUG ABUSE AND ADDICTION AMONG YOUNG PEOPLE

FINDINGS

1. Drug addiction and abuse crosses all socioeconomic levels and reaches every high school in the City of New York.
2. Some high schools are marketplaces for the sale of drugs.
3. Some school principals admit to a serious drug problem in their school. Others deny its existence.
4. Hospitalization, due to overdose of drugs is a common occurrence in many high schools.
5. Some high school pushers admit selling up to $600 a day in drugs at schools.
6. A very small percentage of the teachers in the school system have received some training to sensitize them to drug abuse and to drug abusers.
7. Many teacher colleges are not complying with the Education Law in training teachers about drug abuse.
8. Even when a student is known to be a heroin addict, school authorities do not exercise their authority under the law and discharge the student from school.
9. Since 1964, the Board of Education has reported to the Narcotics Register that only thirty-one students were heroin addicts.
10. Even if a child admits to dealing in drugs in a school building, most school administrators do not discharge the student as he is not "disorderly or disruptive."
11. Even if a student is arrested for a serious drug crime, very often the Family Court (if under 16) or the Criminal Court (if over 16) releases the child only to return the next school day to his respective school as a hero.
12. Many Department of Health physicians assigned to the schools do not examine students for drug abuse and certify students as addicts.
13. Although a 1952 state law mandates narcotics education in the schools, very few schools have complied.
14. There is no policy from the Board of Education, regarding the proper procedures to be used when a teacher has reasonable cause to believe a student deals in drugs or abuses drugs.
15. There is an unofficial "exchange student policy," where drug addicts and disruptive students are transferred from one school to another. This policy is instrumental in creating mass truancy and encourages the dropout rate. There is no effective alternative education for the drug abuser or chronic truant.
16. The Board of Education has increased the number of security guards in the schools. However, there have been a number of cases of guards who were dealing in drugs at the schools.
17. Some school officials do not deem it to be their obligation, as educators, to stop drug traffic on school premises. In these schools, drug dealing is open and common.
18. Across the United States drug abuse is spreading to almost all urban areas. A survey by this office indicates that although the magnitude of the drug

problem in areas outside New York is much less severe than in New York, there appears to be in many cities in the United States a greater dedication to tackling the problem and more resourcefulness used to stopping the spread of drug abuse among youngsters.

RECOMMENDATIONS

1. The Board of Education in conjunction with universities and medical societies should develop mandatory courses for all teachers to sensitize them to drug addicts, drug abusers, and the drug scene.

2. Universities should offer intensive programs on drug abuse for all prospective teachers.

3. Among the courses that should be given to all teachers are those which emphasize the following:

   a. Orientation: Drug attitudes vis-a-vis society and school.
   b. Identification and symptomology of drug abuse.
   c. Prevention procedures in the school.
   d. Existing facilities for teaching addiction; programs and referrals.
   e. Films and "acting-out" youngsters.
   f. Group Dynamics: techniques for group motivation and group sessions in the school, and evaluation of such procedures.
   g. Exchange of ideas and motivation with ex-addicts and application to the school system.
   h. The role of parents and community in the prevention of drug abuse.
   i. The law and the civil rights of students under existing school procedures.
   j. How to run a drug abuse program in a school and in a district. (resources, etc.)
   k. Evaluation techniques of an on-going, drug prevention program.

4. Drug abuse education should be incorporated in the curriculum of all schools, beginning in the early primary grades.

5. In a City as diverse as New York, schools too should be diverse. There cannot be one prototype school for all. Principals and their staffs should be entrusted with more powers to develop creative programs and curricula.

6. The mass media owes a special responsibility to carry public service announcements warning of the consequences of the abuse of various kinds of drugs.

7. Confidential health records in the schools should include information on drug abuse for every student.

8. Students should be informed about the legal consequences of drug abuse.

9. Well-known adults, not associated with the established authorities such as police, are needed to be physically present in the schools to serve as a hero and counterforce to the pusher, who is considered a hero, in the school environment. This adult hero (to some a former addict, or a sports notable) will be a positive force. His acute sensitivity, street-based perspective, and determination to combat the use of narcotics should serve well to act as an anti-drug force.

10. An increase in adult presence in the schools through the use of trained parent patrols is needed. On the basis of an independent study of school disruption (including crime) for the National Association of Secondary School Principals, the Syracuse University Research Corporation strongly recommended increased use of paid, neighborhood-based security aides in the schools. Use of parent security aides has been tried successfully in schools in Cleveland, Berkeley, and elsewhere. Their effectiveness was found to be enhanced by their neutrality—that is, their lack of identification with either school officials or the police. Here again, of course, special training is necessary, especially in the area of fundamental constitutional rights. Without such training "parent patrols" could do more harm than good. But with proper training, it appears that they can make an important contribution.

11. Every school drug program should include systematic efforts to inform citizens near each school of the problem, and should attempt to enlist their support. A number of communities have experimented with public participation programs under which citizens are alerted to report strangers in or near schools, to report any information they may obtain about illicit activities involving school children, and so forth. In some communities, parent canvassers have been sent out regularly to request, gather, and study such information in conjunction with school security officials. In the Bronx, students have organized both to curb crime within the school and to alert the community to the problem and enlist their help in stopping it. Such efforts should be encouraged.

12. The president of the Board of Education stated after a meeting with the Queens Borough President on December 24, 1970, that the Board will formulate new official directives for educators in dealing with drug abusers, to include:

a. Procedures for referrals to hospitals and other treatment centers.

b. Policy relating to students found "high" on drugs—procedures for consulting with parents, recommendations for treatment by counsellors or other qualified personnel.

c. Procedures for dealing with emergencies arising from "overdosed" students. (Note: Procedures for handling drug emergencies were promulgated during the last week of this school year.)

d. Legal liabilities arising from accusing a student of being a drug user or by informing parents.

e. Do guidance counsellors or other school personnel have a legal right "to treat" drug users?

f. What measures may be taken by school personnel to help the drug abusers into treatment if refused by student and/or parent.

g. Liaison relationship between Junior High School and High School for "follow-up" of graduates on drugs.

h. General teacher training program for the identification and treatment of drug users.

These directives should be issued and implemented. A definitive policy must be formulated and followed by all educators.

13. In accordance with legal authority, high school principals should exercise their legal power to uncover drug usage, discharge and refer drug addicts to an alternative educational program.

14. The State Board of Regents which has supervisory responsibility should see to it that the Board of Education complies with statutory mandates relating to drug abuse.

15. In order to determine the extent of the problem, regular reports should be issued by the Board of Education which would indicate the *actual* numbers of drug abusers and addicts in each school, the drug programs available, and the number of students who overdose.

16. Heroin addicts should be separated from schools so as not to spread the disease to other students. For these students, interim school therapy centers for education and rehabilitation with psychologists and specially trained teachers, should be set up on an informal basis in storefronts, and therapeutic communities. Humane and effective education must be afforded to the truant, habittual disrupter, and drug abuser.

17. Security guards working in the schools should be more adequately screened. An effort should be made to employ graduates of schools to work in their alma mater.

18. The drug epidemic in the high school *is* a school problem, as well as a health and police matter, and school officials should recognize their responsibility.

19. In schools which have very serious drug problems, single sessions should be considered to minimize congested traffic which affords possibilities for drug pushing.

20. Every high school should have at least one foot patrolman in the area of the school.

21. School security has to be strengthened. Some high schools have used plainclothes men effectively to break up webs of drug dealers in schools. The Board of Education should issue guidelines for principals in this area.

22. The Board of Education should comply with the New York City Health Code and report to the Narcotics Registry all students who are narcotic addicts. (The Corporation Counsel of the City of New York offered an opinion on March 10, 1971 that the Board of Education is required to file these reports.)

23. Doctors from the Department of Health should consider it within their responsibility to examine pupils for drug addiction and thus be able to certify students as addicts. This would give school authorities the option of suspending discharging or committing the student to NACC. It is urgent that alternative means of education be provided for these pupils.

24. To emphasize the urgency of the drug problem in the schools, a convention of school officials throughout the United States should be held in New York which will discuss preventive and educational measures that are being taken to combat drug abuse in the schools.

ACKNOWLEDGEMENTS

The staff of the Comptroller's Office has, in the past few months, visited dozens of high schools in the City of New York and spoken to dozens of people including principals, deans, teachers, narcotic coordinators, guidance counsellors, school health personnel, parents, and students. Additionally, the staff has had conversations with Police Department personnel including high echelon officers, Transit Authority Police, personnel at the Medical Examiner's Office, Hospital personnel, Family Court personnel, Probation Officers and Board of Education officials; and has also perused records from some of the above-mentioned agencies and organizations.

The research, in connection with this report, was completed in May 1971. It has been prepared by the same people who were intimately involved in the investigation, research and writing of the Comptroller's previous reports on drug abuse.

PREFACE

The four reports issued by the Comptroller's Office to date, on various phases of drug abuse has contributed to a greater understanding of the problem. In one of the reports published in August 1970, entitled, "Drug Addiction and the Administration of Justice" we pointed out, by citing facts and figures, that the entire system of criminal justice fails to adequately meet the needs of the accused criminal as well as society's needs. The entire system creates an atmosphere of disrespect for the courts and an incipient demoralization to people involved in the criminal process. The report revealed a tragic inability by the judicial process to meet its responsibilities. Many findings and recommendations were made in that report and we are delighted that since that time, those findings have been reconfirmed and supplemented by other agencies notably the Criminal Justice Coordinating Agency, the District Attorney's Office of New York and the State Department of Investigation. With a greater public awareness it is, we are confident, a question of time before more of our recommendations will be implemented. Some of our recommendations have resulted in positive changes within the judicial process.

The audit by this office of the Phoenix House Program has received considerable attention by people concerned about the rehabilitation and treatment of drug addicts. The impact of the Phoenix House Reports published in October 1970, can best be appreciated by excerpts from two editorials, hereinafter presented which appeared in the New York Times on November 24, 1970 and March 11, 1971.

[From the New York Times, Nov. 24, 1970]

CITY DRUG PROGRAM

Deaths from drug abuse, higher in New York City than anywhere else in the nation, continue their inexorable climb. The 1970 total was at the 935 level the other day and officials say that deaths may actually have passed the 1,000-mark because records necessarily lag.

Against this bleak background, City Controller Abraham Beame has released a report on the city's Addiction Services Agency and its tangled relationship with the Phoenix House Foundation. This report is sharply divergent in its findings from the city's own news releases which have depicted its anti-addiction program not only as "the world's largest" but, unqualifiedly, as a "success." According to the Controller's report the program is a hollow shell or worse.

The Addiction Services Agency is that arm of city government principally responsible for the city's response to the addiction crisis. It has helped a number of private groups with prevention and treatment of addiction, but it has been so closely associated with one group "as to be inseparable," according to the Controller's report. This is the Phoenix House Foundation, which has established "Phoenix Houses" for the city's therapeutic-community type of rehabilitative program. The Phoenix Houses have been set up under the terms of a contract with the city which the Controller alleges has failed to protect the city's interests.

Members of the city administration serve also as Foundation directors. The report finds apparent conflicts of interest as well as apparent violations of the Foundation's charter of incorporation, of the city's charter, its administration code and code of ethics. The Controller's Office found repeated instances in which some directors allegedly gained financially from the program—in the form of attorney fees, accounting fees, management fees and expense accounts.

The report properly makes no attempt to evaluate the therapeutic-community program clinically. It does, however, contain patient-load and patient-rehabilitation figures which once more seriously call into question the program's ultimate effectiveness. The program cries out for authoritative, outside evaluation by medical experts.

The city's initial response to the report comes in the form of a letter from the Controller from Graham S. Finney, who only recently became commissioner of the Addiction Services Agency. The letter ignores some of the Controller's most serious findings and fails in its effort to refute others. What is needed is a wholly new administrative attitude welcoming an impartial review of the Phoenix affiliation and the Phoenix program. The Controller's report requires a search follow-up inquiry by the appropriate city and state authorities.

[From the New York Times, Mar. 11, 1971]

WHO KNOWS WHAT ABOUT DRUGS?

Drug addiction persists as a major, stubbornly unyielding problem in New York City. Municipal efforts to combat it continue to flounder and, after the spending of millions of tax dollars and the deaths of thousands of addicts, the public is unhappily left with too many questions and too few answers.

What has been the record so far? What has been tried? With what success? What is now being done to correct past inadequacies? Who knows?

It is time, we believe, for authorities to try to determine some of the answers. The City Council, which has disgracefully under-utilized its investigating powers, must begin to exert is prerogatives and to shoulder its responsibilities. There is a need for a full review of the palpably inadequate local anti-addiction efforts.

This inadequacy can be sketched in the statistics. Figures released by the Medical Examiner's Office show that 1,006 New Yorkers died from drug-related causes in 1969 and that at least 1,002 died in 1970.

Thus, while it seems true that deaths from drug abuse have leveled off—there is no longer the fantastic escalation from one year to the next—they have leveled off at an unacceptably high plateau. Drug abuse remains the single largest cause of death for those between the ages of 15 and 35. It is estimated that there are still as many as 100,000 hard-core heroin addicts in the city. They pose a health problem, to themselves and to others, as carriers of disease; they also pose a crime problem. Addicts are said to account for as much as 50 per cent of this city's serious crimes as they seek money with which to sustain their hopeless habit.

In the face of this problem, its growth and intractability, the response by most local officials must be judged as lethargic at best. City Controller Abraham Beame's audit of the city administration's own therapeutic community program for psychologically rehabilitating addicts indicates that vital record-keeping has been chaotic. Mr. Beame's finding has now been confirmed in effect by the Human Resources Administration, which was supposed to have been overseeing the city's efforts in this area. The Controller's audit also found that a contract between the city and the private Phoenix Foundation "did not protect the city's interests."

It is, of course, hardly within the expertise of an accounting office to evaluate the clinical effectiveness of a therapeutic program and Mr. Beame did not really attempt one; he did, however, uncover records showing that only seventeen addicts had been rehabilitated by the city's program after three years' operation and the expenditure of at least $5 million in tax dollars, not to mention the sums contributed in private donations. The Human Resources Administration neglected to touch on these findings in a generally defensive response that nonetheless corroborated the essence of the Controller's criticisms.

The city is now negotiating a new contract with the same foundation which presumably will better protect the city's interests; but the two reports taken together suggest that a full, public inquiry should precede any new formal agreement. Who knows the record on the city's program? What are the correct figures on rehabilitation? Who knows what works in preventing addiction's spread? In rehabilitating drug victims? These questions and others about the city's own program and the many private programs it funds require answers.

BACKGROUND

The human and societal problems associated with drug addiction are a matter of grave concern for all who are interested in the physical and spiritual health and welfare of the inhabitants of the City of New York.

Contrary to popular belief, drug abuse and addiction is not a recent phenomenon. It is as old as man himself. What is new is the ever-increasing growth of drug abuse in America. New and dramatic pages are being written, in greater numbers by younger and younger drug experimenters. It is important, however, to know that drug abuse has been a concern to health officials for decades.

In the 19th century, the traffic of opium became a lucrative business throughout the world. Aware of the dangers of illicit opium use, the United States in 1909 initiated an International Conference on the subject at Shanghai; and this was followed by an Opium Convention at the Hague in 1912, and a Drug Convention in Geneva in 1925. As a result of these conventions the legal manufacture of narcotic drugs was limited to amounts required for medical purposes. The agreements provided that such drugs could be shipped from one country to another only with the consent of both the exporting and importing governments. The United States sought to limit the unlawful trade of narcotics and passed the Harrison Narcotic Act of 1914, which imposes taxes on narcotics and requires registration of all persons who deal in narcotic drugs.

Statutes making it a crime to sell and possess dangerous drugs for illegal purposes have been part of this state's laws as far back as 1919. Some of the laws of the state, pertaining to drugs are outlined in Appendix I.

PURPOSE

Many individuals and organizations have expressed, an increasing interest in the educational establishment. The views expressed range from a concern about violence and disorder in the schools to a critique of the Board of Education's failure to provide a meaningful education for the majority of its students; to concern about the manner in which the Board of Education manages its financial affairs and maintains its financial records; to the failure of the schools to cope with drug abuse by its students.

The purpose of this paper is to discuss drug addiction as it concerns our young people of high school age. The paper will describe the tragedies caused by narcotics in terms of death and disease; crime and punishment; and finally, schools and learning. It will make recommendations which we hope will be helpful in eradicating drug abuse in the City of New York.

The purpose of this report is not to affirm or confirm other studies and impressions. Nor is it to malign or oppress school authorities. Nor it is to vilify students or parents. Rather, the report sets forth facts and discloses impressions of how drug abuse is affecting our public high schools and our young people. We hope this report will succeed in dramatizing the issue and will muster the attention needed to solve the drug problem.

THE DRUG SCENE

PART I—INDIVIDUAL CASES

The narcotic situation in our schools is a tragic one. While there has not been any scientific study to determine the extent of drug abuse among school age children, we believe, based on our own conversations with school officials and research, that nearly 100,000 of the 285,161 students enrolled in academic and vocational high schools have either experimented or abused soft and/or hard drugs. Even if every youngster in this City abuses drugs, a massive war against it could not be successfully waged until society empathizes with drug addicts and their families, and until we enlist and coordinate all the untapped resources which are available and which are required to rid society of the evil of illicit drugs. The real story is in the lives of young people, ages nine to nineteen, who suffer the degeneration of the spirit and body that comes with addiction. The story is in the lifelong tragedies and humiliation that accompany the addict along the dark rocky road of infections and disease, robbery and prostitution, fear and death. The real story of drug addiction is in the victims of crime perpetrated by addict youngsters who steal a pocketbook, mug a woman, rob a home, knife a man, kill another child—all done either in the stupor of drug intoxication or as is so often the case, in the quest for money or merchandise which eventually will be used to purchase more pills and more glassine envelopes of heroin.

The story is in children afraid to go to school because they are tired of being molested or shaken down for fifty cents. Who can measure the fear that thousands of our citizens experience when walking the urban sidewalks? Who can measure the dread that thousands of our citizens have in staying home alone?

. . . (Somehow their alarm systems, double locks, latch locks and peepholes accentuate their tension and fear!) Who can discern the extent to which the inhabitants of this City have their lives altered because of the drug problem? Who can really judge the extent to which drug abuse is destroying the learning processes in our schools?

The following tragedies were related to staff by school teachers and deans of the respective schools. Multiply these stories thousands of times. Then we may understand the tragedy that is ours.

G. H. is a young girl of fifteen years of age. She comes from a broken home and is a sophomore at Fashion Industries High School. She began a couple of years ago to smoke reefers (marijuana). A few months ago, she met a much older man who apparently seduced her. He would come to school every day, meet her and leave school with her. Eventually, under his ageis she began to sniff heroin. She has since become a mainliner. Also, she has gotten pregnant—had an abortion and is now back in school. She was able to get drugs very easily at her school and had been involved in selling drugs on the school premises. Apparently, she is still addicted to heroin. But, of late, she had begun to confide in a school guidance counsellor.

D. C. is a fifteen year old Puerto Rican girl. One day in February 1971 she came to Fort Hamilton High School, intoxicated as a result of a great deal of intake of pills. She approached a teacher and said that she wanted to die. The teacher approached the girl's mother and related to her the fact that her daughter was addicated to pills and wanted to commit suicide. The mother retorted that she did not know the daughter was sick and felt that as long as D. C. was attending school, she would be safe from the pitfalls that she may encounter in the street. The following day the teacher was advised by another student that D. C. was in a telephone booth in the school chewing twenty pills. The teacher rushed to the telephone booth, found the young girl unconscious. She was sent in an ambulance to a nearby hospital and had her stomach pumped. In her possession at the time were found thirty-eight pills. The teacher brought D. C. to the Family Court seeking to have her adjudged "A Person In Need Of Supervision" based on her suicide attempt and dope addiction. At the court hearing although advised to come, her mother did not appear and the school records indicate that there is no father in her domicile. D. C.'s school record was typical of many of the students who are addicted to drugs. Her grades were poor and she was a truant. When she came to school, it was for the purpose of selling drugs. A school teacher told this office that "the only way a parent realizes that a child needs help is when we arrest the child and bring the child to court."

L.G. is a fourteen year old sophomore at Sheepshead Bay High School. She is white and is very bright. At Junior High School, she was an excellent student and as a matter of fact was considered one of the top students in her Junior High School class. L.G. has not been living at home for over a year now. She was pregnant and had the pregnancy aborted. She has for the last several months been living as a prostitute and owes her loyalty to an older man. She is a mainlining heroin addict and deals in drugs at her school. Her parents have been told by the school of L.G.'s desperate plight. However, they have deliberately removed themselves from any interaction with the young girl. Her father is an alcoholic and her mother has a history of mental illness. The parents are separated. L.G. has not been living at home for a long time. However, she had lately begun to come to school and sporadically attends a peer group rap session in school. It appears that she is beginning to come out of her shell and to be able to communicate her feelings and sense of isolation and despair. In the words of one of the teachers at Sheepshead Bay High School, "there are at least one hundred pitiful situations like L.G.'s in our school today, and like L.G. there are at least by observation about ten girls who are pregnant at the high school."

The easy availability of drugs in the school system led one youngster who abused soft drugs and is reluctant to get deeper involved, to say to this office "I'd rather stay home because I'll meet my contact in school and have to take drugs."

Narcotics abuse can strike all kinds of families. White and black, rich and poor, and male and female die from narcotic-related deaths. Both the educated and non-educated suffer the degradation and pain that is associated with abusing drugs. Drugs respect no religion and have no philosophy. In short, drug addiction and drug abuse know no boundaries. It invades all levels of society.

PART II—THE SCENE IN OUR HIGH SCHOOLS

Over the years, many have been led to believe that drug selling and drug addiction occurs only in the ghettoized areas of the City such as Bedford-Stuyvesant or Harlem. This assumption, perhaps valid a decade ago, is erroneous today. Drug abuse and addiction crosses economic, ethnic and geographical lines. Many authorities from the Board of Education, including administrators, have failed to deal with the drug problem as it affects the vast majority of students in the school system. They have minimized the numbers of students involved with drug abuse, and have not disclosed to the public the degree to which drug abuse affects discipline, attendance and learning in almost every high school located in the City of New York.

There are some high schools within this City which cope reasonably well with drug abusers, delinquents, and trespassers. In these schools, education and learning appears to take place. However, there are other high schools in which little attempt is made at rectifying or solving the disciplinary and drug problems. In these schools, students view their legitimate rights as students as a license to abuse and disrupt.

If the findings in the schools surveyed are indicative of the situation, generally, then it may be assumed that there has not been the required conscientious effort to deal with the drug problem that is present in the high school system.

In some high schools, there is little discipline, minimal learning and a lot of fear. In other schools, there is tranquility, order and learning.

George Washington (Manhattan), Benjamin Franklin (Manhattan) and Franklin K. Lane (Brooklyn), Thomas Jefferson (Brooklyn) and George Wingate (Brooklyn) are examples of schools that in the winter of 1970 and early spring of 1971 were places of great drug traffic and had the by-products of drugs—truancy, extortion and fighting.

Heroin in these schools is easily available. These schools are marketplaces for drug sales.

Concomitant with the drug problem are robberies, extortions and brawls. Student drug addicts and abusers, to buy their drugs, often extort, assault, intimidate, and rob fellow students. The serious drug problem has been evident in these schools for years. But, little has been done to provide a drug free atmosphere for those students not in the drug scene.

1. At George Washington High School in Upper Manhattan, a teacher involved with the drug problem at the school, said, in February 1971, "there is an absolute atmosphere of fear at G.W." The teacher asserted that he and almost every teacher that he knows at the school teaches in fear. They rarely go to the bathrooms alone . . . they rarely walk up or down a staircase alone . . . they rarely walk in the corridor alone. "I am afraid to go to the lunchrooms because there always seems to be a disturbance, either chairs are being thrown or fires set or fights erupting over a drug sale." Another teacher stated that "There is real terror in the school." Hundreds of students are addicted to heroin, according to conservative teacher estimates.

In the corridor on the second floor of Benjamin Franklin High School in Manhattan, we found five girls standing in a group sharing what appeared to be a bottle of wine. Two were obviously inebriated.

The uniformed police officer on duty at the school has a friendly relationship with students at the school. He converses easily with the drug abusers, addicts, small pushers and the profit-making non-addicted drug pushers. He pointed out that student pushers are generally known but that no arrests could be made by him unless he observed the commission of a crime.

We told the officer that we would like to speak to students who, he believed, were involved in pushing at the school. He introduced us to two young men. S.H. and H.B., one a Vietnam veteran twenty years of age and the other eighteen years old. Both are registered at the school. They attend home room but roam the school every day with a girl at hand making their sales of "nickel bags" ($5) to other students (as long as they attend home rooms, school authorities do not confront them). The boys who were dressed very expensively (alligator shoes, expensive shirt and pants) were asked to show us how much money they had. The twenty-year old produced ninety dollars and the other sixty-five dollars. This incident occurred early in the school day at 10:00 A.M. The students admitted that some school dealers can gross over one thousand dollars in a good week of selling heroin.

We were informed that about twenty-five drug sellers are operating within the school. The average daily net earnings per dealer is about $150. He keeps half of his gross earnings.

We visited the girls bathroom with a security guard, after the girls were asked to leave. From the small bathroom, thirty-one girls filed out. We found glassine envelopes which had contained heroin in the ventilating system.

The quiet children (we spoke to a few) seem to be afraid. Apparently some dealers seek to force the docile boys and girls to work for them.

It was obvious to us, that there were many youngsters in the school who were "high."

A dean at Franklin K. Lane in Brooklyn reported to us that in his view, "The school is in anarchy." After being the the dean's office for a three hour period, the dean's assertion seemed to have validity. During that time, two students came to report their transit passes were stolen. One boy reported that fifty cents was taken. Another boy was brought in by a young policeman who accused him of starting a fire in the lunchroom. The boy was searched—two glassine envelopes of heroin were found in the boy's shoes.

We were told that it is not unusual to have student shooting or snorting heroin in the cafeteria at this school.

The school, according to the Dean of Boys, averages five reported assaults against students per day. Also, according to that dean, for each reported incident, there are at least four unreported incidents of extortion, robbery and mugging. Apparently, many students are afraid to report incidents for fear of reprisals.

"This school is very violent" reported an English teacher to us. The high percentage of older students may contribute to the chaos.

Sixty-two percent of the enrolled students are truants. The smart and successful drug pushers go to classes because "they don't want static."

In 1969–1970, the deans and guidance counsellors report that there were two hundred troublemakers. This years there are seven hundred and fifty troublemakers.

School officials claim they cannot stop drug sales. They contend that they are spectators to drug transactions and will only get involved "if a big amount of heroin is involved."

Deans and counsellors at these schools claim that the drug situation has gotten out of hand and give the following reasons for the chaos:

a. Teachers are afraid to get involved with drug abusers.

b. Police, under the regulations, cannot question a person within the school building to ask for his student identification.

c. Police, under the regulations, cannot question a student unless he is placed under arrest.

d. It's almost impossible to expel a student.

e. Students can stay in school until the 22nd birthday except under certain conditions (e.g., full-time employment, seventeen years of age and parents' consent.

f. Even when a student is arrested for a felony, he is freed on bail and is back in school the next day.

g. The Board of Education has issued no meaningful directives to school administrators and teachers on handling drug abuse cases.

School officials at these schools report that the schools are inundated with drugs.

In the words of the Dean of Girls at Franklin, "The problem is so huge . . . I really don't know what can be done," she said on November 23, 1970.

Three Franklin students have died in the last few years from drug related causes.

Almost every day, a student gets sick from the effects of drugs.

It is estimated by some faculty members that two-thirds of the registered students at Franklin abuse drugs. The exact number of heroin addicts was not ascertained but it ranges from two hundred to six hundred. As of December 1970, there was no drug program at Franklin.

When we arrived at Lane, uniformed police were standing guard eight feet apart in the school cafeteria. The school was noisy and anarchy prevailed in the corridors and cafeteria. School personnel report that brawls and robberies occur almost daily.

Of the register of five thousand students at Lane, one thousand who attend the school are regularly abusing drugs, according to deans and teachers at the school.

The kinds of drugs used have changed. In the spring of 1969, there was little heroin in the school. Since September 1969, the drug used, almost exclusively, is heroin.

There are four deans, six security guards and twenty-five school aides that are used to cope with the schools drug and security problem.

In the 1969–1970 school year, school aides were on hall patrols. Now, most do secretarial work.

It is estimated by deans and teachers that one-half of the students at Thomas Jefferson regularly abuse drugs.

On our visits to Jefferson we saw students gathered in the hallways and the smell of marijuana was evidently coming from the group.

There is open selling of drugs in the lunchrooms and bathrooms. One dean reported that the "school is in chaos."

Our office found it easy to spot those in very expensive clothes, and as one teacher at Jefferson pointed out, "That kid makes more in a day selling drugs than I make in a week."

When we visited Wingate in March, noise, fighting and pushing by students was dominant in the corridors. During periods we saw scores of students roaming the halls and disturbing classes at will. It is estimated that twenty-five percent of the students abuse hard drugs.

A notice by the Wingate principal was sent to parents of students in January 1971 advising them of an important meeting for January 23, 1971.

The notice included the following remarks:

> The years of educational neglect, the budget cutting, the total indifference of educational authorities to the mounting pressures and problems in the schools, have at last burst forth upon our own school in full force. Hundreds of our students cut their classes and roam the halls at will. Many prey upon other students, extorting money from them in lavatories, the cafeteria, and hallways. Others spend their entire school days gambling in the cafeteria and in the lavatories. The drug problem increases and takes a mounting toll as more and more of our young people are induced by "student" pushers to experiment with the deadly stuff. Our absence and lateness records are staggering.

Common at these schools is the tremendous amount of truancy. Under fifty percent of registered students attend classes.

Interestingly, relative peace and quiet prevade the classrooms. The noise, fights, drug traffic occur in hallways, cafeterias and stairwells.

Taking into account the severity of the drug problem, the schools drug education programs are minuscule.

Except for the recent addition of a narcotics coordinator, there is no drug program at George Washington. It is interesting that the person recently appointed the Narcotic Coordinator for the school, never took a course to train him for the role, notwithstanding the fact that there are other teachers in the school who have taken two or three drug education courses.

Teachers at Jefferson have demonstrated a genuine desire to ameliorate the drug problem. Twenty-one teachers have attended drug courses during the summer of 1969 and spring 1970.

The school this year organized two student encounter groups. And, a specialized school, called "Alpha" was organized in April.

Nevertheless, as in the other high schools, there is no uniform policy that is implemented at Thomas Jefferson in relation to drug addicts or abuses.

Because of frequent robberies and brawls, there are five Police Department Uniformed Officers to assist "in legal matters." According to the Sergeant in control at Jefferson, the police have instructions from school officials "to be invisible and not to seek out crimes by students, nor to stop drug traffic. We stay in the offices because that's where school officials want us." One of the deans said to this office, "The principal doesn't want the cops to be seen."

2. The second category of high schools are those that have serious drug problems, but, very little of the fear or terror that prevades the above-mentioned schools. Little is done to educate students about drug abuse or to prevent drug traffic in these schools. These schools have many of their students abusing amphetamines and barbiturates. Examples of these schools are Bryant (Bronx), John Jay (Brooklyn) and Francis Lewis (Queens).

The Narcotic Coordinator of Bryant High School estimates that sixty percent of the students regularly use Pot or Hashish and that "we cannot do anything about it." He said, "The blacks are into heroin and the whites mainly into pills."

There are, at least, two overdose cases a week at the school. As in other schools, there is a problem of extortion. Bigger and older students threaten younger and smaller pupils and force them to give twenty-five or fifty cents as payment.

Of a population of 4,600 students, at least 600 are absent from their homerooms on any day.

According to the guidance counselor at the school, the approach to drug prevention abuse had not changed over the last twenty years. The minuscule amount of drug education that is offered in Hygiene classes and in some biology classes has as much impact today as it had twenty years ago—nothing. Teachers agreed, that although the school claims to be overcrowded, there is a definite inability to utilize available space to its maximum efficiency.

Teachers concerned about drug abuse at the school claim that the Board of Education hasn't given administrators and teachers drug guidelines.

Some teachers and administrators who realize the magnitude of the drug problem, claim that they are not encouraged to establish drug prevention programs.

There is very heavy use of "ups and downs" at John Jay in Brooklyn. School administrators, however, generally do not press drug charges against students dealing in drugs. Perhaps as a result, drug traffic is increasing in the school area. There is no drug education program at the school.

School officials at Francis Lewis in Queens have dampened the enthusiasm of some guidance counsellors interested in formulating a drug program. No drug program exists in the school notwithstanding the increasing use by students of amphetamines and barbiturates. "A day doesn't go by in northeast Queens without a boy overdosing in one of the schools," reported a teacher at Francis Lewis.

3. Other schools have very serious drug problems. Pills and heroin are in extensive use. But they are making an effort to monitor drug traffic and prevent it. They admit to the severity of the problem and have taken measures (some successful) to reduce the spread of narcotics among students. Among the measures taken is the use of New York City Police and persuasion with students. Some of these schools are Tottenville (Staten Island), Madison (Brooklyn), Brandeis (Manhattan), Andrew Jackson (Queens), and Theodore Roosevelt (Bronx).

Tragic, however, is the absence of any *meaningful* drug education program in the schools. Until that happens, the surveillance and monitoring by school personnel and police will be stop-gap measures and will not appreciably reduce the number of students who are abusing drugs or who are addicted.

Tottenville High School is located on the southern part of Staten Island. Concerned teachers there in the spring of 1969 and fall of 1970, realize that several students were coming to school every day under the influence of drugs and that drug traffic was increasing within the school. As a result, school authorities formulated a procedure which was to be used by school authorities in dealing with suspected drug abusers. A teacher had to report his findings to a Dean. He, thereafter reported to the chairman of Health Education and depending upon the individual case, the parent, the police, and/or hospital was called. School authorities were quick to utilize police, and to arrest students if necessary and haven't hesitated to use undercover personnel when the need arose.

Tottenville has a population of 1,800 students and it is an ethnically integrated school. A guidance counsellor at the school estimates that ten percent of the students regularly abuse drugs, mainly pills. A teacher at the school, familiar with the drug problem contends that the police presence helped considerably to stop the spread of addiction. According to this teacher, "students must realize that using drugs is illegal. If a student passes out in school, due to drug abuse—that student must know that he was doing something illegal that is punishable, so we call the police." "Police are called," he continued, "to arrest and to scare the students into a realization of the possible consequences of their illegal acts."

Generally, this teacher found that "the kid who overdosed wanted help. The difficulty for us in the school is to try to find out the pupils home background. That's where the road of drug abuse really begins." The physical proximity of Tottenville High School to Daytop Village, a therapeutic community seems to have been helpful to the teachers in sensitizing themselves to youth who are attracted to drugs.

Madison High School is located in a middle-class neighborhood in Flatbush. The school is on multiple sessions and is fully integrated.

In the 1969–1970 school year, the school began to experience a heroin problem for the first time in its history. There were seven or eight drug pushers operating within the school.

The deans and principals called for undercover policemen. As a result, fourteen students were arrested (six were pushers). Through persuasion all fourteen have since left the school.

There is little heroin traffic this year at the school and school officials give credit to the excellent work of the detectives.

This year, pills are in use. School authorities keep close watch over the areas where drugs are bought and sold, such as bathrooms and gymnasium. Twenty-five school aides permit only two people to be in a bathroom at any given time.

There is a lot of extortion and holdups and "children bring extra money to pay off."

We spoke to a young girl who reported that on three occasions she was held up by people at the school. On one occasion she was walking down the hall and was accosted by four males and pushed and robbed. She said that her friend left Madison and transferred to another school after she was robbed on two occasions.

From September 1970 to March 1971, about nine students were arrested by the police and were jailed for crimes committed outside of school. Yet, there haven't been any students suspended since the beginning of the school year. This failure, teachers point out, contributes to more drug traffic and abuse.

One guidance counsellor reported that "it is common for girls to be molested A day doesn't go by without a student shakedown on Quentin Road. Even the president of the P.T.A. was mugged."

Several teachers have been assaulted by students at the school. Yet, according to observations by deans, no arrests are made because top school authorities do not press charges.

Thefts against teachers occur often. Sometimes, teachers don't report these incidents for fear of intimidation.

The number of students abusing drugs is not known. However, several times a month a student is sent to the hospital suffering a drug reaction.

Long Island City High School is an example of an orderly school that is tightly supervised and controlled by a principal who has the support of the community, the teachers, and, surprisingly, the majority of the students. As a result, drug traffic is minimal and its by-products of extortion and truancy are reduced. An article which appeared in the student newspaper, extolled the principal's adamant stand on disruptive students and violence.

"I don't permit disruptive students to stay in the school," Dr. Hurwitz, principal of this school told this office. Cutting of classes at Long Island City is not as commonplace as in other schools and a physical inspection by this office seems to verify Dr. Hurwitz' remarks that cutting is a minimal problem. A student who cuts a class twice without a reasonable explanation is given a failing grade of 35%, according to the principal. By using persuasion and common sense, the school is able to convince 99% of disruptive and non-learning students to leave the school. The principal claims that L.I.C. has a 78% holding power over its students which is far more than most other schools can claim. The school is 35% Italian, 25% Black and Puerto Rican, 15% Greek and 25% others. This integration makes for an important setting for tolerance and enlightenment. One of the problems that this school faces constantly, as other schools also face, is the forced acceptance of disruptive and violent students who are suspended from other schools and transferred to L.I.C. by District Superintendents as part of the musical chair game played by education officials in dealing with trouble makers and drug abusers. Rather than deal with the individual social pathology causing the disruptiveness and drug abuse, school officials merely shift the problem from one school to another. For instance, L.I.C. recently had to accept a fifteen year old child who assaulted a teacher and a school aide. It is, therefore, understandable that even good schools can be confronted with situations where, in a sense, trouble makers are exported from one school to another where they continue their disruptive behavior.

There is a common belief that the strength of principals has been diluted by the educational hierarchy which frowns upon student exclusion and suspension from schools and often overrules principal suspensions. Thus a disciplinarian, like Dr. Hurwitz, is discouraged from holding principal hearings because he is aware that he will not receive backing for his actions by his supervisors.

A case that pin-points the frustrations sometimes felt by principals is the arrest about five months ago of Elaine Keith, a non-student for loitering at L.I.C. The school, under Penal Law section 240.35 brought charges against Mrs. Keith. This office is not judging the merits of this specific case. It should be noted, however, that the principal asserts that he has since been subjected to pressure to withdraw the complaint and has even been directed to do so by Chancellor Scribner. Thus far, Dr. Hurwitz has remained adamant and has refused to withdraw the charges.

The principal's philosophy is expressed in an article he wrote for the school newspaper which is hereinafter presented:

> I had suspended a boy because I was convinced by reports of deans, the boy's written confession, and the statement of other student witnesses that he had, in fact, threatened, hit, and taken money from one of our students.
>
> Under the suspension regulations, I am required to notify the parents of the specific offense and they may bring with them two persons, who may be lawyers, to assist them. The parents and their assistants may question the complainant.
>
> I did all that was necessary to satisfy what is called "due process," so that the rights of the suspended student would be protected. This is something which I did long before details were spelled out in regulations. When, however, the attorney insisted on cross-examining the boy (the complainant) who had charged that he was punched and robbed, I refused to give his name or bring him into my office.
>
> The suspended boy was not only "twice his size," but had a record of fighting, cursing, threatening, and extortion in another high school. He had been at L.I.C. for only a short time. I could not see how justice would be served by exposing a small frightened boy, who had come forward reluctantly to complain, by exposing him to possible attack outside of school.
>
> I have said publicly that I cannot be expected to conduct a court of law with the right of defendants to have the plaintiff cross-examined by an attorney. As principal, I must use my judgement in some delicate matters. I must always try to ensure the safety of students and teachers entrusted to me. Students, if they should be mistreated, have final recourse to the courts. A principal, however, is in loco parentis (in the relationship of a parent) to the children in his school. Your parents rightly feel that I am responsible for you in school.
>
> Your parents would not want you to be exposed to injury because of the principal's rigid adherence to an unrealistic regulation. You can be sure that I shall not permit you to be hurt when you help us to apprehend the rare boy or girl who would make a jungle of our school.

Prior to April 1971, Brandeis High School on the West Side of Manhattan was one of the three high schools in the entire City of New York that had an individual, coordinating the narcotics program in the school.

Brandeis, like other schools, has an increasing narcotics problem and the kind of drugs being used over the years has changed too. The Narcotics Coordinator at the school told this office that in the 1969–70 school year, there were 103 identified users of hard drugs while in 1970–1971 the number increased to approximately twenty-five percent of the student register which is 6,000 students. The school has made a conscientious effort to reduce the epidemic through the use of school security guards and aides. The deans are vigilant in the hallways and stairwells. The school has accepted the legal concept that they are in "loco parentis" and when there is reasonable grounds to believe that a student has narcotics in his possession, the dean will search the student. It was reported to our staff that the school authorities do not arrest when a student is found with one or two bags of marijuana. However, if large quantities of marijuana are found or hard drugs are found on the person, the student will be arrested.

Andrew Jackson is a racially integrated school. It is estimated by the Narcotics Coordinator that of the student enrollment of 3,000, 30 students are addicted to hard drugs. The authorities in this school take a strict approach and consider themselves to be in "loco parentis" and search students when they have reasonable grounds to believe that narcotics is in the student's possession. Consequently, they deem it within their province to arrest those who violate the law and who impinge on the rights of other students to receive an education. From February 1970 to June 1970, over thirty arrests were made of students for drug violations in the schools. From September 1970 to January 1971, twelve arrests were made. The drug most commonly used in the schools is pills. Although the school has seven security guards, it recently ascertained that one of those guards was pushing drugs within the school. (This problem has occurred in several schools.) A teacher reported that assaults perpetrated against other students occurs frequently. It was estimated to this office that thirty percent of the students attending Jackson have been assaulted and/or shaken down.

However, aside from some drug programs in Hygiene classes, the school has absolutely no drug preventive program or educational program.

The staff spoke to some teachers at the school who echoed a view that we heard from other teachers in other schools:

"It is not our role as teachers to eliminate drug abuse by students." Some of the teachers feel that it is not within their province to seek out drug abusers and to help them. However, one teacher stated emphatically that, "These kids want to be helped. If a kid knew that there was someone in the school that cared about him then he would talk to that teacher and who knows how helpful that could be." This reflects the lack of meaningful guidelines by the Board of Education for teachers to follow.

There is no drug education program at Roosevelt. However, with excellent Police Department cooperation from its Youth Squad and its Narcotics Bureau, the school has succeeded in reducing the amount of heroin traffic *in* the school. Considerable traffic does exist near the school. On our visit to the school, we observed two drug transactions in a hallway across the street from the school. The deans vigorously patrol the school to keep out non-students and trouble-makers. Recently the Appellate Term, Supreme Court First Department in People v. Jackson, 65 Misc 2d 909, ruled in favor of the school's dean and upheld, as proper, a search that he conducted on a student. This landmark decision clears the confusion of many teachers and deans who are unsure about their rights in regard to searching students suspected of drug violations.

Excerpts from the court's decision are hereinafter presented:

> Here, the coordinator of discipline of a City high school, acting with a high degree of suspicion, but short of probable cause, search this student and found him in possession of a set of narcotics "works." While a student has the right to be free of unreasonable search and seizure, school authorities, in view of the "distinct relationship" between them and their students and the right of parents to expect that certain safeguards will be taken, "have the affirmative obligation to investigate any charge that a student is using or possessing narcotics," which "becomes a duty when suspicion arises" . . . A school official, standing in loco parentis to the children entrusted to his care, has, inter alia, the long-honored obligation to protect them while in his charge, so far as possible, from harmful and dangerous influences, which certainly encompasses the bringing to school by one of them of narcotics and "works," whether for sale to other students or for administering such to himself or other students . . .
>
> Moreover, this right and duty did not make him a law enforcement officer as the dissent suggests. Rather as the doctrine suggests, and simply stated, he was acting in a limited manner in place of the defendant's parents. In the landmark case, relating to the duty of teachers in the supervision of school children, the Court of Appeals in Hoose v. Drumm, 281 N.Y. 54, at page 57–58 stated: "st recess periods, not less than in the class room, a teacher owes it to his charges to exercise such care of them as a parent of ordinary prudence would observe in comparable circumstances."
>
> Stated differently, a school teacher, to a limited extent at least, stands in loco parentis to pupils under his charge and may exercise such powers of control, restraint and correction over them as may be reasonably necessary to enable him properly to perform his duties as a teacher and accomplish the purposes of education (79 C.J.S. School and School Districts, section 493).
>
> This doctrine is imbedded in the common law and has received implicit recognition by our State Legislature through the enactment of section 35.10, Penal Law, which restates the former Penal Law, section 246(4)(6). The section declares: "The use of physical force upon another person which would otherwise constitute an offense is justifiable and not criminal under any of the following circumstances:
>
> 1. A parent, guardian or other person entrusted with the care and supervision of a minor or an incompetent person, and a teacher or other person entrusted with the care and supervision of a minor for a special purpose, may use physical force, but not deadly physical force, upon such minor or incompetent person when and to the extent that he reasonably believes it necessary to maintain discipline or to promote the welfare of such minor or incompetent person."

> As was expressed in People v. Overton (24 N. Y. 2d 522, at p. 526), the school official, there, was performing "the fulfillment of the trust and responsibility given by the City residents" in relation to a high school student. On remand from the Supreme Court (393 U.S. 85), the Court of Appeals held, in effect, that the inspection of the locker, under attack, was not the result of "legal coercion" but was permissable conduct in conformity with the in loco parentis doctrine, conditioned only by reasonable suspicion. As I view the present incident, the school official was fulfilling a comparable "trust and responsibility" and similar approval of his conduct should be accorded without imposition of probable cause.

It is unfortunate that the guidelines of this decision published in February 1971, has not been noted by the Board of Education in any of its directives or circular disseminated to principals and teachers.

4. With the recent appointments of narcotics coordinators, in many high schools, there has been some movement toward creative drug prevention programs. Taft and Monroe High Schools are two schools that have implemented programs and appear to have made some successes in drug prevention.

Findings and observations about other high schools are attached as Appendix 2.

The epidemic of drug abuse costs the people of New York. We pay for it physically, economically and emotionally. Undoubtedly, there are more and more young people getting involved with drugs. Concommitment with the increase in illicit drugs is an increase in crime, more death and deeper frustration. We cannot measure the extent of personal tragedies and the price society pays for drug abuse. Perhaps we can understand the price paid if we translate the drug scene into human terms and into some statistics. Numbers sometimes have a language of its own. In the case of drug abuse, the numbers cry out to be heard. Unfortunately, the loudest noise heard to date is the cold silence of education officials who refuse to hear the young cries of "teach us how to live without drug addiction."

Disclosure of statistics should impart to us an understanding of the drug abuse problem in New York:

Part 1—Crime by Young People

1. It is estimated by police and correction officials that approximately 50% of crime committed by adults and juveniles is related to drug abuse.

In 1969, 13,883 youths ages twenty and under were arrested for various crimes. In 1970, that figure increased to 18,954.

2. In the United States, youth crime is escalating at a pace almost four times faster than the youth population. In 1969, one-half of those arrested for serious crimes, such as murder and rape, were under eighteen years of age.

In a survey conducted by the United States Senate Sub-committee on juvenile delinquency in 1970 of 110 school districts, the following information was ascertained:

INCREASE IN SOME CATEGORIES OF CRIME IN ELEMENTARY AND SECONDARY SCHOOLS FROM 1964 TO 1968

Category	1964	1968	Percent increased
Homicides	15	26	73
Forcible rapes	51	81	61
Robberies	396	1,508	306
Aggravated assaults	475	680	43
Burglaries, larcenies	7,604	14,102	86
Weapons offenses	419	1,089	136
Narcotics	73	854	1,069
Drunkenness	370	1,035	179
Crimes by nonstudents	142	3,894	2,600
Vandalism institutions	186,184	250,549	35
Assaults on teachers	25	1,801	7,100
Assaults on students	1,601	4,267	167

If anything these statistics are conservative. Many youngsters are afraid to report crimes committed against them.

3. In 1970, the New York City Transit Police Department made 22,508 apprehensions of youths, sixteen and under, for various crimes. In 1965, they made 19,814 arrests of youths.

4. On a day selected at random, March 12, 1971, from 2:00 to 4:00 P.M., forty-five school children were apprehended by the Transit Authority Police for various crimes and violations committed on the buses and trains.

5. Transit Authority Police officials report that students from almost every high school cause trouble on the transit system. "Ninety percent of the apprehensions we make have to be dismissed because complainants refuse to press charges," according to a Transit Police Sergeant. There are 283 Transit Police assigned to school conditions.

6. Vandalism on the subways and buses by young people (generally junior and senior high school students) cost the City $2.6 million to repair. Six hundred people were injured and required treatment as a result of the vandalism caused by the youngsters. The Transit Authority Police made 3,000 arrests for vandalism (willful acts of destruction). This does not include thefts from newsstands and machines operated in the transit system and does not include telephones broken. Of this number, the TA police made fifty-six arrests for felonies involving vandalism and forty-four of these were sixteen years of age or under. Of the 2,881 arrests for misdemeanors involving vandalism, 2,772 were sixteen years of age and under. A significant amount of this crime is done by drug addicts and drug abusers who are "high" on drugs.

The following chart details the cost to the Board of Education for vandalism over the past nine years:

	Cost of glass breakage	Illegal entries		Fires		Total
		Number	Amount	Number	Amount	
Year:						
1970	$1,299,090	2,811	$1,371,053	249	$266,166	$2,936,314
1969	1,372,530	3,001	1,437,630	330	455,865	3,266,025
1968	1,218,260	2,757	1,219,912	196	278,585	2,716,757
1967	1,013,560	2,359	787,301	199	154,404	1,955,265
1966	882,380	1,731	520,827	183	116,717	1,518,534
1965	934,880	1,397	354,647	148	44,361	1,333,888
1964	914,535	1,302	286,393	145	64,286	1,256,214
1963	999,210	987	200,561	173	55,308	1,255,079
1962	906,530	1,026	177,750	122	29,195	1,113,500
1961	818,680	899	135,318	113	29,223	983,221

7. In 1966, there were 213 reported assaults on teachers and supervisors. In 1969, there were 231 reported assaults on teachers and supervisors.

In 1970, there were 287 reported assaults on teachers and supervisors. One hundred of the assault victims were hospitalized. From January 1971 through May there have been 214 reported assaults on teachers.

Part 2—Narcotic Crimes

1. New York City Police Department increased their arrests for violations of the Narcotic Laws from 35,178 in 1969 to 52,479 in 1970 (49.2% increase). For that same period, 1,150 arrests of those under sixteen were made in 1969. While in 1970, it was 1,449 (26% increase). From ages sixteen to twenty, 12,733 were arrested in 1969 and 17,505 in 1970 (37.5% increase).

2. The Youth Counsel Bureau's caseload of defendants who has a history of drug abuse increased from 441 in 1966 to 1,624 in 1969.

Part 3—Narcotic Deaths

The names are known only to their family and friends. But, they all had a few things in common. They were students in New York's public schools. They were young. They died in 1970 from "acute and chronic intravenous narcotism." Among them are:

Michael Shust, age 17, white male, Bronx.
Daniel Maher, age 20, white male, Staten Island.
Ruth Lowe, age 15, negro female, Bronx.
Mario Ricco, age 15, negro female, Manhattan.
Alexander Scudder, age 14, negro male, Manhattan.
Walter Vandermeer, age 14, negro male, Manhattan.
Jose Giner, age 16, negro male, Bronx.
Steven Holubach, age 16, white male, Bronx.
Peter James Stergios, age 17, white male, Brooklyn.

Heroin deaths in New York City exceed the combined total of deaths from rheumatic fever, infectious hepatitis, acute glomerulonephritis, muscular dystrophy, cerebral palsy, hemophilia, measles, diphtheria and all parasitic diseases.

Thirty percent of drug-related deaths are caused by infections such as hepatitis, tetanus and abscesses. Seventy percent are acute reactions to drugs.

In New York City, the increase in deaths over the years, particularly among young people, is staggering:

In 1950—there were 57 deaths attributed to narcotism by the Medical Examiners Office—the average age was thirty-four.

In 1967—there were 600 deaths—average age was twenty-seven.

In 1970—there were 870 deaths. Of this number 195 were under twenty years of age.

The number of teenagers who died from drug-related deaths increased over 700% in the course of five years, from 38 in 1964 to 79 in 1967, to 224 in 1969. In 1969, twenty of those who died were below fifteen years of age.

From 1950–1959, there were 1,070 deaths from narcotism in New York City.

From 1960–1969, there ware 4,254 deaths from narcotism in New York City.

From January through June 28, 1971, there were 326 narcotic-related deaths and 89 of those were under twenty years of age.

Part 4—Narcotic Use Among Young People

Reports of narcotic abuse among young people are as infrequent as they are inaccurate. The following statistics reveal the inaccuracies of statistics relating to drug use by young people:

1. The Narcotic Registry of the Board of Health reported that from 1964 to 1969, 115 youths, ages fifteen to nineteen per one thousand youths were opiate users.

2. As far back as 1951, the Board of Education apparently aware of drug abuse in the schools had the Bureau of Child Guidance gather statistics about drug usage in the schools and ascertained the following:

1951: 173 users of illegal drugs, 39 suspected users of illegal drugs.
1952: 31 users of illegal drugs, 118 suspected users of illegal drugs.
1955: 12 users of illegal drugs.
1958: 39 users of illegal drugs.
1962: 75 students were actual or suspected users.

It is interesting that in 1962 the Police Department reported 779 cases of glue sniffing.

3. In a report issued by the Bureau of Educational Research to the Board of Education, the following information was disclosed regarding drug use in the City schools for the year 1969–1970:

SUSPECTED USERS OF DRUGS

Elementary Schools:
    Volatile inhalants, 311 males, 43 females.
    Marijuana, 185 males, 71 females.
    Opium derivatives, 53 males, 11 females.
Junior High Schools and Intermediate Schools:
    Marijuana, 2,317 males, 1,596 females.
    Barbiturates, 609 males, 590 females.
    Opium derivatives, 564 males, 43 females.
High Schools:
    Marijuana, 5,059 males, 1,975 females.
    Opium derivatives, 2,090 males, 966 females.

The Board reported that there were 24,000 suspected users of drugs in the City's school system.

4. In June 1970, the United States Army Induction Center at Whitehall Street in New York City reported that of 1,300 men undergoing medical examination, eighty-eight were discharged for drug-related causes.

5. In 1970, the United States Navy and the Marine Corps discharged 6,700 men for drug abuse as compared to 4,000 men discharged in 1969. An additional 3,000 men were given warnings by the Navy for their abuse of drugs and another 2,000 men were punished for drug abuse. The estimates of the number of military men in the United States Armed Forces serving in Vietnam who are abusing hard drugs ranges from 36,000 heroin addicts according to the Defense Department to 78,000 hard-drug addicts according to Congressmen Morgan Murphy and Robert Steele.

6. Many high schools report an average of one overdose of narcotics per day. Without City-wide recordkeeping, the exact number of overdoses is unavailable. However, in a study conducted for the Comptroller's Office by the Health and Hospitals Corporation the following information was ascertained:

A. 238 calls were made through telephone number "911" for ambulances to schools during a two-week period in February.

B. Of the 238 calls, there were twelve cases diagnosed as overdoses.

C. Of these overdoses, three were from elementary schools.

The survey taken was not scientifically done and many other ambulance cases could have been drug-related particularly those diagnosed as "uncon-cious" or "sick."

Also, many students who overdose are taken privately to hospitals, while others, to avoid Police confrontation, are taken by friends without school authorities learning about the overdose.

7. A greater number or juveniles who are brought to the Family Court, as respondents, are accused of committing drug law violations.

In 1968, 4.4% of the reasons for filing a petition were for violations of the drug laws. In 1969, 6.2% and in 1970, 8.0%.

8. A recent study conducted among forty residents of Odyssey House, a therapeutic community reported that in the school year 1969–1970 fifty-seven percent of students in their school homerooms used marijuana, 37.3% used heroin and 35.9% used various pills.

9. In 1968, 22,237 petitions for Juvenile Delinquency and Persons in Need of Supervision were drawn in the Family Court. In 1970, the number increased to 24,042. Appendix 3 indicates the dispositions of petitions brought in the Family Court for 1968, 1969 and 1970.

DESPITE THE INCREASING ABUSE OF DRUGS BY STUDENTS FOR YEARS, THE BOARD OF EDUCATION HAS FAILED TO COPE WITH THE PROBLEM

We have detailed the steady growth of drug abuse and addiction among young people. With the tremendous tragedies caused by drug abuse, there ought to have been a *massive* preventive and educational effort by the Board of Education. It has not assumed its responsibility to educate against drug abuse and to use its resources to prevent its spread among its thousands of students. The failure of the Board of Education to mount an effective campaign in the schools against drug abuse contradicts its basic responsibility to educate this City's most cherished possession, its youth. It may be argued in defending their failure to provide meaningful drug education and prevention that drug addiction has come to the attention of the Board of Education only within the last few years. However, this argument is fallacious since the rising drug problem has been known to exist by school officials for many years.

General Circular #18 promulgated in 1950–51 is the first circular that we have been able to find concerning drug abuse in the schools which was issued by the Board of Education. The circular contained the following statement by Dr. William Jansen, Superintendent of Schools:

> The reported increasing use of narcotic drugs by school children is a problem which challenges the ingenuity of the medical profession, sociologists, welfare workers, and all members of the community. Because of their intimate and daily association with pupils, members of the supervisory and teaching staff occupy a front-line position in the battle against habit-forming drugs.
>
> A complete mobilization of effort to help prevent the spread of this pernicious practice should be the concern of everyone.
>
> It is extremely important that the day-by-day behavior of children be carefully observed by all members of the school personnel. Any deviation from the usual behavior pattern of a child should be viewed with suspicion. Reports that children, who previously enjoyed their recreation at home, now find interest in questionable or unknown places outside the home, or who return home late at night without explanation, should be investigated.
>
> Also in the category of pupils who use narcotics and those who are "go-betweens," are those who suddenly begin to associate with new companions, and those who, without satisfactory explanation, begin to wear sporty clothes, expensive neck-wear and foot-wear, and who have more money to spend than heretofore.
>
> Helpful also in the early discovery of users of narcotics drugs by hypodermic injection is the presence of hypodermic needle marks on the body. Such evidence frequently can be detected by a careful daily health inspection. When a more detailed inspection of the body may be necessary, in cases where there is a strong suspicion that a pupil is a user of narcotics through

> hypodermic injections or otherwise, the case should be referred to the school doctor or school nurse for confirmation and advice.
>
> Teachers also should be on the alert for articles which are commonly used by narcotic addicts. These articles if found in desks, washrooms, or in other places in the school building may indicate that some person is using narcotics. These articles include a teaspoon (the handle of which is usually bent and the bottom burnt), hypodermic needle syringe, and medicine or eye dropper.
>
> Teachers who suspect that a pupil may be using a narcotic drug should refer such pupil to the principals for immediate medical examination and follow-up.
>
> Everyone can help to get rid of the habit-forming narcotic drug evil. Teachers of Health Education and those in allied fields of education should devote a special unit of instruction to present the scientific facts about habit-forming drugs and their effects on the nervous system; what is meant by addiction to a narcotic drug; what are narcotic drugs; how the use of habit-forming drugs usually start, and why self-medication is dangerous.

Thereafter, on February 20, 1951, Dr. Jansen conducted a meeting of school superintendents, principals, deans and other school officials at the New York Academy of Medicine to discuss the nature and extent of drug use; the law and law enforcement; prevention and treatment of drug users.

Subsequently, curriculum bulletin #3, entitled "What Secondary Schools Can Do About Teenage Narcotics Addiction," was published in May 1957. Dr. Jansen wrote in the forward of the booklet the following:

> The need for appropriate instructions concerning the harmful effects of narcotics has been brought into sharp focus within the past few years. *It has become clear that a program of education is needed if drug addiction among teenagers is to be prevented.* (Emphasis ours.)

The bulletin stated that the "narcotics problems is far more serious in scope than is commonly recognized," and that "no area in this City is entirely immune." "It is important," the bulletin asserted, "that teachers acquire a background of information concerning narcotics so that they will be able to answer with reasonable accuracy the many and varied inquiries of pupils and parents."

The brochure further stated on page nineteen, the following:

> The responsibility for the detection of students in a school who use narcotics rests not only with teachers of health education but also with all other members of the faculty, including deans, guidance counsellors, health counsellors and attendance coordinators. However, it is true that school nurses and teachers of health education, home nursing, swimming and showers are in a particularly strategic position to detect narcotics users. Every suspected clue should be investigated thoroughly.

The legislature of the State of New York demonstrated its concern for the rise in drug abuse by students when it enacted on July 1, 1952, Section 804(a) of the Education Law which provided the following:

> Instruction regarding the nature and effects of narcotics and habit-forming drugs. (1) The courses of study beyond the first eight years of full-time public day schools shall provide for instruction in the nature and effects on the human system of narcotics and habit-forming drugs, in accordance with the provisions of this section. (2) It shall be the duty of the commissioner to prescribe such courses of instruction as he may deem necessary and desirable to the welfare of the student and the community. The contents of such courses may be varied to meet the needs of particular school districts, or portions thereof, and need not be uniform throughout the state. The courses shall emphasize desirable health habits, attitudes and knowledge of the effects of narcotics and habit-forming drugs upon the physical, mental and emotional development of children and youth. (3) The local school authorities shall provide needed facilities and definite time and place for such subjects as prescribed by the commissioner. (4) Similar courses of instruction shall be prescribed and maintained in all private secondary schools in the state. (5) In all state teachers' colleges and state colleges for teachers, adequate time and attention shall be given to instruction in the best methods of teaching such subjects, and no teacher shall be licensed to teach at the secondary level who has not passed a satisfactory examination in such subjects and the best methods of teaching them.

Under Section 2554, paragraph 11, of the Education law, the Board of Education has the power and duty to authorize the general course of study to be given in the schools and to approve the content of such courses before they become operative. These powers and duties are subject to applicable law and regulations such as the requirements of Sections 801 through 810 and 3204 of the Education Law and related Regulations of the Commissioner of Education. In general, these requirements deal with:

1. The inclusion of specific courses of instruction regarding the nature and effects of narcotics and habit-forming drugs.

2. The number of courses of instruction to be completed in certain special areas. The Board is also authorized by Section 100.2(b) of these regulations to make such curriculum adaptations as it determines to be necessary to meet local needs.

Despite a State law mandating drug instruction in all high schools and despite the law that high school teachers must be given training on drugs, until May 1971 little or nothing had been done by New York City high schools to educate or prevent drug abuse.

Through the years, the Board of Education has not placed drug abuse education as a high-priority item and has not established meaningful guidelines for teachers and educators to follow for use with drug abusers.

Although the Board of Education has issued general guidelines to some school administrators, but not to all teaching personnel, there has been no effective followup nor do these guidelines detail specific steps to be taken in dealing with all types of drug abusers. It is to the credit of some school administrators, who, on their own initiative, have promulgated specific directives and programs and have acted upon their own in dealing with drug abusers in the schools.

At a recent public hearing on drugs, Dr. Ronald Shlein, the Assistant Head of a Special Unit on Health and Drug Education for the New York State Department of Education, said that "there is a perfunctory observance of this part of the education law," referring to sections 804 and 805. The minuscule drug education that took place in the schools two decades ago has not changed in quantity or quality over the years.

In 1950, the Board of Education essentially tackled the problem of drug abuse by these methods:

a. Distributing Board of Health literature about narcotics to students.

b. Distributing circulars and bulletins such as circulars numbered 18, 3, 29 and 71 to high school principals.

c. Some discussions about drug abuse in high school hygiene and health education classes.

Despite the drug epidemic, except for a few new programs which are hereinafter described, the Board of Education has been conducting the same inadequate approach to drug education that it did in 1950. That approach has, and is failing to cope with the spread of drug abuse.

There has within the last two years been some attempt by the Federal and State governments to provide funds for drug education in the schools.

The Federal Government through the Office of Economic Opportunity has funded from Title III funds $92,000 for a program administered by the Board of Education designed to lower the number of students involved in drug abuse in two city schools, DeWitt Clinton High School and Junior High School #44. The program includes orientation of the faculty, students and parents, training of selected faculty, students and community people and setting up referrals for hard core addicts and development of ongoing programs for identification and treatment of youngsters in schools who evidence pre-addictive behavior, and finally to develop a drug curriculum.

The Board of Education in 1970 authorized fifty teachers to attend an intensive narcotic education course at Adelphi University.

In 1970, Congress authorized $43 million for drug rehabilitation programs in the United States, but appropriated only $6.5 million nationwide. In 1971, Congress authorized $43 million for treatment and education against narcotic abuse and appropriated $6.5 million nationwide.

On March 7, 1971, School District No. 12 in the Bronx received $600,000 under the State Mental Hygiene Law to train teachers. The aim of the program is to instill patterns of correct reaction to situations involving drugs. Carole Landau of the United Federation of Teachers, District representative for District 12, reported upon receiving the funds that, "Up to now, there was no set policy on dealing with drug situations."

On March 22, 1971, School Board No. 19 in East New York received a $600,000 grant from NACC for a Prevention Program and for a Referral Program.

Notwithstanding the severity of the drug problem among young people, there are only seventy children, under the age of sixteen, who are undergoing treatment in Narcotic Addiction Control Commission facilities.

The 1970 Youthful Drug Abuse Act enacted by the New York State Legislature provided $65 million in State-aid for locally sponsored drug abuse programs for the young (Chapter 607 of laws of 1970). This aid was limited to treatment programs and did not include drug prevention and education programs. As of April 1971, only $511,000 or less than one percent of the money available was spent.

In 1971, the Governor approved $7.1 million grants to the City's Board of Education's six Community School Boards, and a private school in New York for narcotics treatment and prevention programs. $4.2 million of this amount was earmarked to the Board of Education's Office of Special Education and Pupil Personnel Services.

While the proposed special programs of the school districts submitted to the State varied somewhat, they are basically designed to train teachers and educate students in the dangers of addiction and to refer addicts to treatment centers.

The Addiction Services Agency in conjunction with Queens and Lehman Colleges conducted two courses during the summers of 1968 and 1969 for teachers which were designed to sensitize them to narcotic abusers. The two week course according to Addiction Services Agency records attracted ninety-two teachers.

Some high schools are beginning to develop Peer Group Leadership Programs. These programs seek to identify and train youths who will go into their respective schools and communities, provide leadership influence among their peers. It seeks to provide youngsters with a "role-model" alternative to the drug pushers and users. A team from Adelphi University provides information and training for the youths and their counsellors through intensive sessions. Peer Group Leadership programs are at Monroe High School. Brandeis, and Westinghouse. Since the appointment of narcotic coordinators in high schools, some schools are beginning to design drug prevention programs. The best programs are those nurtured and developed by students who seek to destroy the hero image of the drug addict and substitute the non-user as the hero. Some schools, essentially through the participation of its students in Peer Group Programs have made some contribution to stem the tide of growing drug usage in the schools.

The Addiction Services Agency, as of April 1971, assigned fourteen people to work with the private, parochial and public schools in the City of New York. These fourteen people are supposed to run courses for teachers, train them about drug prevention, be available for individual consultation; and inform teachers about narcotic programs. However, Addiction Services Agency personnel do not approach the schools to give advice. The schools approach them. Many school teachers and administrators, however, have sharply criticized the approach, methods and effectiveness of the Addiction Services Agency in dealing with the school drug problem.

The Board of Education is sponsoring this semester a television program for teachers on Channel 25 called "Drugs! Let's Find Out." It has been praised by many people concerned about addiction.

The Board of Education has not committed itself to any creative and novel drug education programs. For the most part, drug education in the schools consists of: distributing brochures and booklets; showing of drug films; some instruction in Health Education Courses; and in some schools, assemblies where former addicts discuss their past and titillate the eager assemblage with their exotic and intriguing stories about the life of a heroin addict.

All of these methods have proven to be insufficient to meet the problem. Films, a staple of drug education for decades, have been condemned by the National Coordinating Council on Drug Abuse Education and Information Inc. On April 3, 1970, this organization said that most of the drug abuse films shown to school children and military audiences as being inaccurate, misused and misleading.

The council applied an "X" rating of "scientifically unacceptable" to the worst of the lot, thirty-six of nearly one hundred films reviewed. "Too often, the use of drug education audio-visuals means more misinformation than insight," said this council.

Distribution of brochures has proven ineffective in reaching an addict or abuser and unsuccessful in educating against illicit use of drugs. Most brochures which are disseminated are discarded by students without persuing it.

Although the Federal government ear-marks about $200 million for special programs in the Board of Education, only a few hundred thousand dollars in Federal funds are available for narcotic education, security, or crime control.

About three months ago, the Board of Education allocated $930,036 for ninety-seven narcotic coordinators to be assigned to high schools in the City of New York. This is the first significant step taken in coping with the drug epidemic. Although the Board has had in every high school for the past two years a draft counsellor and a program counsellor, until a few months ago it didn't have a narcotics coordinator. However, as of May 1971, there were still many high schools operating without narcotic coordinators.

New York City's school system is a microcosm of the various human and social problems that exists in the City. It is correct to assume that the school system does not create urban problems. Nor can it be the panacea to poverty, disease, frustration and depression sustained by thousands of our fellow New Yorkers. On the other hand, schools can contribute to the acceleration of some urban ills. But, the schools can also play a decisive role to significantly reduce some of our urban diseases. In many areas, schools have recognized the importance of their roles and have helped ameliorate problems. One area in which schools have been in the forefront is the drive toward integration.

Perhaps, the attitude of the Board of Education in defining its responsibilties to its pupils, its personnel, and to the communities in the furtherance of its integration policies is best understood by a resolution they passed on June 26, 1963, which stated the following:

> Our schools must not be neutral in the struggle of society to better itself. We must not overlook the harmful effects of discrimination on the education of all children. Moreover, within the limits of our control, we must not acquiesce in the undemocratic school patterns which are a concomitant of segregated housing. Furthermore, we must continue our policy of not tolerating racial or religious prejudice on the part of any members of our staffs. If education is to fulfill its responsibility, it must recognize that the school world has a significant influence on each child's attitudes and affects the future of democracy . . .

A feeling expressed by many school officials throughout the city school system is that no real impact can be made in reducing the numbers of students using drugs until the board of education manifests a genuine concern. According to school teachers and administrators, the administration at 110 Livingston Street, aside from the distribution of two or three circulars a year, has given no real guidance in reducing the narcotics problem.

It should be noted, however, that, in the last week of this school year, the board promulgated guidelines for use by school administrators and teachers for the handling of emergency drug overdose cases. (See app. IV.)

Many teachers and supervisors expressed a reluctance to pass on vital information about drug addicts or abusers because they fear that the board of education would not support them in disputes with parents or teachers. They are concerned that legal action would be brought by parents or a child when they provide authorities with information and feel that the board of education would not support them.

In racially integrating our schools, the board of education has justifiably been forthright and strong. Their zeal has desegregated many of our schools. In the area of drug abuse, the board of education should show the same forcefulness and resourcefulness.

THERE IS A LACK OF SIGNIFICANT COOPERATION BY THE SCHOOLS WITH OTHER AGENCIES CONCERNED WITH DRUGS

Public Health Law § 33(a) and Public Health Code § 1103 require all persons who have knowledge of drug addicts to report pertinent information concerning the addict to the Narcotics Register of the Department of Health.

School principals and teachers have repeatedly been given instructions from the Board of Education to comply with the legal requirements concerning disclosure of drug addicts.

On March 28, 1968, Special Circular #82 was disseminated to principals from grades seven to twelve. The circular informed the principals that arrangements were made with the Department of Health to submit data on the incidence of known drug users and suspected drug users in their schools to the Narcotics Register.

Thereafter, on April 5, 1968, in General Circular #15, principals were again reminded to send the information about drug addicts to the Narcotics Register.

Special circulars #71 and #87 dated March 19 and May 15, 1970, again requested school officials to provide data on student use of narcotics to the Department of Health.

Regretfully, many schools have failed to supply meaningful data to the Narcotics Registers of the Board of Health. From 1964 through 1970, the Board of Education submitted to the Narcotics Registry on the basis of information supplied by the school the names of only 31 students that were known heroin addicts. During this same period, however, the Medical Examiner's office submitted the names of six hundred eighty-two persons, ages nineteen and under who died from narcotic-related causes. Also, from 1966 through 1970, there were a total of 21,809 arrests of children nineteen and under for sale or possession of heroin. Failure to report the information, which under law must be kept confidential, restricts the City's knowledge of the heroin problem and thus its ability to cope with it.

Under Article 9 of the Mental Hygiene Law, any person who believes that an individual is a narcotic addict has the right to apply for civil certification of such a person to the care and custody of the Narcotic Addiction Control Commission. On October 14, 1969, Special Circular #29 reminded principals of this right. Yet, according to Dr. Irving Anker, Deputy Chancellor of Schools, the Board of Education has never acted as a petitioner to commit a heroin addict to NACC. As a result, students who are known heroin addicts are given indirect sanction by school officials to attend school and thus bring other students into contact with their addiction and spread the epidemic to more youngsters.

It appears too that the schools are not exercising their authority under Article II of the New York City Health Code which permits exclusion from school of a narcotics addict. Addiction is a reportable disease and thus, under law, a student so categorized is exempt from the provisions of the Education Law in regard to compulsory attendance in school. Dr. Irving Anker, Assistant Superintendent of Schools stated at a hearing last month that "I don't know of any students so excluded but if there were, the number is very small." The failure of the schools to utilize Article II of the Health Code contributes to an increase in the drug problem, not a reduction.

Three hundred and fifty medical doctors are assigned from the Bureau of School Health of the Health Services Administration to public and private schools in New York. Generally, they remain at a school for one session of two and one-half hours. From July 1969 to June 1970, the Department of Health expended $10,298,625 for nurses, doctors and clinic services for school children.

Insofar as drug abuse is concerned, we were informed that some of the school physicians do not believe that their role as school doctors is to examine suspected addicts, to participate in drug education, or to certify students as drug addicts.

Yet, the role of the school physician has traditionally been considered a vital one, in the overall attack against drug abuse among school children.

As a matter of fact, in an information bulletin on "Procedures to be Followed in Referring Known or Suspected Users of Narcotics" issued on March 15, 1955, by the Associate Superintendent of Schools, the following information was included:

In the event that a student in a secondary school is suspected of using narcotic drugs, he should be referred immediately, by the principal of the school, to the school physician via the health counsellor or school nurse. If the school physician is not immediately available, or if a school has no Department of Health medical service, as in some academic high schools, the principal should telephone the Director of the Bureau of School Health, Department of Health, 125 Worth Street, Manhattan, telephone: WOrth 2–6900, Extension 225. A physician will then be sent to the school and, after examination of the student, will advise the principal as to further action. In elementary schools, referral to the school physician is made by the school nurse. If the school nurse or doctor is not available, the principal should telephone the Director of the Bureau of School Health, Department of Health, 125 Worth Street, Manhattan, telephone: WOrth 2–6900, Extension 225.

Thereafter in the "Manual of Procedures" the Department of Health set forth the role of school health personnel in the problems of health services and drug abuse in particular:

Legal Background.—School health policies are set up in accordance with New York State and New York City education and health laws, specifically set forth in Articles 45 and 49 of the New York City Health Code revision of May 1959.

General Policies.—The school physician has the responsibility of keeping informed about the health status of all school children, and of guiding and counselling them, their parents, and educators, to improve this status. For children who do not have a private physician or whose parents request it, the school physician does the routine examinations and immunizations. For all children in the school he does partial or complete examinations for cause, and encourages the child to go for medical care to an appropriate treatment agency—private physician, hospital or clinic.

Except for immunizations and occasional first aid, the school physician and nurse give no treatment; their functions are limited to case-finding and educating children and parents in general hygiene and in the importance of obtaining regular care for an individual health problem. Their aim is to promote health consciousness and personal responsibility in seeking help from available community resources.

The nurse and physician in school work together as a team; the nurse organizes, assists in and expands the doctor's work.

The responsibilities of school personnel and school health personnel in the problems of drug abuse are mainly of two kinds:

(1) approaches to prevention, which involve education of the pupils and a cooperative program with other pertinent community organizations; (2) the handling and disposition of the individual pupil, who is, or is suspected of being a drug user. The curriculum for school pupils is the responsibility of the Board of Education. The school physician and nurse will cooperate when requested as resource persons and occasional speakers. Community-oriented programs must be organized on a local basis. Intensive efforts are being made in various areas to set up the cooperative relationships necessary to an overall attack on drug abuse. (Participation in such activities whether in or out of school buildings is a legitimate and significant aspect of school health work and is to be encouraged.)

(The physician and nurse also act as screening agents. The physical examination has only limited value in detecting drug abuse except for the addict who uses the intravenous route. However, a history and study of any changes in behavior patterns will be useful. Examination of the urine for drugs may also be arranged by the school physician or nurse, through a local hospital or private physician.)

Undoubtedly, school physicians must assume a more active role in fulfilling their responsibilities to students. They have a paramount role to play in combatting serious epidemic that is affecting the students—drug abuse.

THE DRUG PROBLEM IS AFFECTING MANY OF THE HIGH SCHOOLS IN THE UNITED STATES

Drug absue in our high schools has in the last two decades gotten progressively worse. It has reached epidemic proportions. New York City, however, is not alone in its suffering the tragedies of drug abuse. Every city in the United States is experiencing similar problems. Some cities have very serious problems; other cities have relatively minor drug problems; some cities, unlike New York, have given prevention and treatment of drug use a high priority. This office has made a study of several large cities and has ascertained the following information about the incidence of drug abuse and preventive and educational programs taken by city authorities.

Akron, Ohio

Akron has a total student population in its elementary, junior and senior high schools of 56,117. From September 1967 through December 1970, there were only four arrests of students for violations of the drug laws.

"Outsiders are not permitted in school (by state law) buildings and special attention is given to prevention of interlopers," Mr. William Tenney, Director of Secondary Education reported to this office. In addition, there is "excellent" cooperation between the public security force and Akron police."

The schools have a drug program from grade 5 through 12 which consists of the following:

Grade 5—A minimum allocation of two weeks at this grade level. Drug abuse instruction will become a part of the health program.

Grade 7—A minimum of three weeks will be spent at this grade level incorporated into the science curriculum.

Grades 9 & 10—Minimal time requirements are set at one week at this level. Drug abuse instruction will become a part of the biological science course.

Grade 11—At least two weeks will be spent at this level. The drug abuse instruction will become incorporated into the the health course.

Grade 12—The drug abuse problem will be treated in Problems of Democracy in sociological context throughout the year with one week of concentrated study.

Atlanta, Georgia

As of December 11, 1970, the Atlanta Public Schools reported that there were three reported instances of drug violations occurring in the schools since the school year began. Although the number is small in terms of a high school population of 35,470, the Assistant Superintendent for Administrative Services, Mr. E. S. Cook, Jr., stated that I am sure that there are other violations that have not come to my attention. The iceberg effect of any violations like this is a cause for constant concern. If we have apprehended three drug violators since the beginning of school, the question must be before all of us as to how many are guilty but have not been found."

School detectives operating within the Atlanta School System have been instructed to give all suspected narcotics violations precedence over any other police work.

Sixty-one teachers have to date completed a full course in the presentation of work on drug abuse. Drug education is incorporated in the eighth grade in a Health Course and the tenth grade in a Biology Course. In the upper elementary grades, students watch weekly TV programs devoted to problems of drug abuse.

Chicago, Illinois

This city reports a total high school population of 142,834. In 1968, 1,054 juveniles were arested by Chicago police for drug-related offenses. In 1969, 1,040 juveniles were similarly arrested, while last year the number increased to 1,305. (A juvenile is a male under seventeen or female under eighteen.) The Chicago police in 1970 made 49,013 arrests of juveniles.

The Chicago police report that there are a limited number of documented cases involving drug traffic in and around school buildings. The Youth Division of the Chicago Police Department has worked in close coordination with the Board of Education in establishing procedures to keep all school-related problems, including those connected with the use of drugs in check. Security measures as well as educational programs have been instituted throughout the school system. "The schools give one hundred percent cooperation to police officials when investigating students suspected of drug crimes," Sergeant Hoy of the Youth Division reported. Cooperative security measures include close liaison and working arrangements between police personnel and public school personnel. Specially trained policemen are posted to individual schools and the an "Officer Friendly" program is conducted. In addition, the Board of Education employs 450 security officers in 225 of 533 schools.

Superintendent of Schools, James F. Redmond, states that in situations involving the use and possession of narcotics, the parents of the child must be called. But, "in the event the parent is not available, the principal assumes the responsibility for prudent action under the 'in loco parentis' clause."

"The burgeoning use of drugs and the extensive publicity given the problem have made a coordinated city-wide school program imperative. An interdisciplinary steering committee has been appointed to develop a coordinated, multiprong approach to the related educational needs in the schools."

Cincinnati, Ohio

In 1968, a Drug Abuse Survey was conducted by the Citizens Committee on Drug Abuse among eleventh grade high school students.

Of the 5,433 responding to the question as to "Have You Ever Used a Substance to Get High or Kicks?" Five hundred, eight-three answered yes. This represents 10.7% of the respondents.

Of this 10.7%, 32% admitted that the substance they used was marijuana, 18% amphetamines, 16% glue, 12% cough medicine, 9% LSD, 13% tranquilizers and sleeping pills. It is noted that heroin was not used. The high school student population as of December 1970 was 15,065. In 1968 to 1969, there were two arrests made for glue sniffing and two for drugs which included sale, purchase and possession; in 1969–1970, there were four drug arrests made of school children for possession; from September to December 1970, there were thirteen drug arrests of students.

Specific direction was given to principals and teachers as to what to do when a child is suspected of being a drug user. The instructions given in document 18 of the Cincinnati Public Schools includes the following:

Symptomatic Illness or Behavior.—Any school staff member observing symptoms of drug abuse on the part of a student should report same to a counsellor or administrator. Withholding such information can only have a negative impact and contribute to the problem. The family of such students(s) should be notified in person by a school staff member who has developed some skill in making such contacts. The purpose is not to accuse, not to condemn, and certainly not to prosecute; but, rather to inform and to prevent further involvement if indeed any involvement exists at all. In brief, the first responsibility of school personnel in all such instances is to the family.

Circumstantial Evidence of Drug Abuse.—Once the family is informed, much depends on the reaction and subsequent cooperation of parents. If symptoms persist, the school resource officer should be informed. An investigation to determine facts is both appropriate and necessary in order to protect not only the suspect from further involvement, but to protect other students in the school.

Known Involvement in Drug Abuse.—When school personnel obtain factual knowledge of drug abuse in the nature of possession or actual usage, the matter should be referred to the police immediately. Such students shall be subject to suspension by the principal. Eligibility to return to school shall be determined by school authorities based on physical and/or psychological examination and such other factors as the school administration shall find pertinent to such determination.

Promotion of Drug Abuse.—Students found to be involved in the promotion of drug abuse by way of sale or other distribution to fellow students shall be subject to expulsion by the Superintendent. Eligibility to return to the same school by such offenders shall be extremely limited. Further attendance by such persons in a Cincinnati Public School facility shall, for the most part, be limited to a special facility or situation where anonymity is at a minimum and with return to the normal school situation permitted only after therapy has reduced the risk to a minimum.

Dallas, Texas

Since 1968, this City's Board of Education has made the problem of drug abuse a high priority item. An intensive survey of drug abuse was conducted in thirty junior and senior high schools. The results indicated over 10% of the students were involved in drug abuse.

An administrator of Drug Abuse Education was appointed on June 3, 1970, along with a staff of three members for parental involvement, curriculum development and program evaluation. This staff has been continually striving to make each recommendation a reality. A curriculum guide was developed for use by all teachers in grades K–12, using a multi-disciplinary teaching approach. A staff development program has been initiated to assist the 7,000 teachers in the Dallas Independent School District in implementing our drug abuse program. A variety of drug labs have been developed, using leadership techniques and the group process. These labs are currently being presented to parent organizations, school faculties, and student groups at all grade levels. A broadly-based Community Drug Abuse Prevention Council has recently been organized for the purpose of involvement of all facets of our metropolitan area in attacking the drug problem.

Denver, Colorado

There are 19,940 students enrolled in the senior high schools. From January to October 1969, 266 students were arrested for drug-related violations. From January to October 1970, that number increased to 395. The Mayor of Denver, W. H. McNichols, Jr., asserts that "Undoubtedly, there was a number of arrests made for other offenses where narcotics and/or dangerous drugs were also involved, but the individuals were not specifically charged with a drug law violation." The Mayor also disclosed to this office that there is traffic of drugs in the school buildings and school areas and the Mayor added, "There is evidence indicating that considerable quantities of drugs are present and traffic is lively in all of our public schools and a number of private schools as well."

No Denver police officers are specifically assigned to patrol any of the public schools.

Fort Worth, Texas

This City handled in the 1969–1970 school year, 281 cases of drug abuse. There is drug prevention education in grades five through twelve and drug abuse seminars for high school pupils.

Houston, Texas

Of 40,749 students enrolled in senior high schools, the number of students involved with drug abuse was the following:

1965	3	1968	105
1966	8	1969	151
1967	58	1970 through October 31, 1970	265

According to Captain T. A. Humphries of the Houston Police Department, "Drug use and abuse is widespread."

Los Angeles, California

The Los Angeles Police Department supplied this office with the following statistics regarding arrests of juveniles related to narcotic violations:

1959	654	1964	1, 081
1960	662	1965	1, 274
1961	680	1966	1, 964
1962	750	1967	4, 010
1963	744	1968	6, 216

The Los Angeles Unified School District reported to this office that from November 1968 to June 1969, 3,883 of the 136,000 students enrolled in senior high schools were reported for violating narcotic laws. Of the total violations, 1,299 concerned marijuana.

The Los Angeles City School System provides security agents for each junior high and senior high school. These agents assist with drug abuse enforcement and apprehension and arrests of offenders.

Preventive education in Los Angeles City Schools includes a curriculum for Kindergarten through sixth grades, emphasizing the proper role of medicine. A health education course consisting of four weeks is required at the seventh and tenth grades.

Minneapolis, Minnesota

Mayor Charles Stenvig reports that there are 67,158 students enrolled in the Minneapolis Public Schools. In describing the drug situation in his city, the Mayor stated to this office that, "since 1967 our drug problem has increased 125%, growing at a rate of 33% from 1968 to 1969 and 35% from 1969 to 1970. It is apparent that their percentage figures are very alarming, and it does indicate a serious trend towards the use of narcotics. We have also noticed that the age of involvement is decreasing."

Mayor Stenvig continued, "We know that there is a certain amount of drug traffic within the schools themselves, and it is most unfortunate that this is so difficult to uncover; this is due to the fact that this problem has spread to our middle-class schools, and it is the boy and girl from the middle-class family who is doing the pushing, and the majority of them are not doing it for a profit."

The Schools are pleased with the results of the Police-School Liaison Program which was begun in 1965. The program emphasizes a concept of friendliness and warmth by the police which transcends customary police patterns and performance.

Newark, New Jersey

Fourteen thousand, one hundred and sixty-eight students were enrolled in Newark High Schools on October 1, 1970.

From September 1, 1967 to August 31, 1968, 131 juveniles (under eighteen) were arrested for use and possession of narcotics. During this period, 115 children were arrested for use and possession of barbiturates and glue.

From September 1, 1968 to August 31, 1969, 262 juveniles were arrested for use and possession of narcotics while for the same period, 147 were arrested for use and possession of barbiturates and glue. It is estimated by the police and Youth Aid Bureau of Essex County of New Jersey, that in addition to the abovementioned arrests, 40% of the 4,136 Newark children who were apprehended from September 1969 to August 1970 were drug-related arrests.

The New Jersey Health Department reports that from January 1970 to June 1970 there have been thirteen overdose deaths in Newark by juveniles. The Board of Education admits that there is traffic of drugs in school buildings and schools and is "unable to control this problem."

On June 30, 1970, a state law concerning drug abuse was passed. Among other things, it mandated education of teachers and children grades 7 through 12. Schools were closed on Wednesday afternoons for eight weeks, while teachers received information on sociology, psychology, rehabilitation services, drug history, drug education curric[illegible] the need for additional changes and *why* young people use drugs. The school system has ten other programs planned or in effect.

Norfolk, Virginia

Of a high school enrollment of 10,829, ninety students were arrested in 1969–1970 for violations of drug laws. Drug abuse education begins at the sixth grade.

Pittsburgh, Pennsylvania

In the city of Pittsburgh, the number of arrests for narcotics and dangerous drugs has increased 237% from 1968 to 1969 for the eleven to eighteen age group, and 205% for the eighteen to nineteen age group. Both groups are composed of approximately nine times as many boys as girls.

These figures involve only the arrests made. Police estimate the actual number of incidents involving narcotics and dangerous substances to be roughly twenty times the number of arrests made. For 1969, this figure would be about six thousand incidents.

A brochure distributed by the Pittsburgh Public Schools states the following:

"Drug abuse is a community problem, and it must be met with rational thought, well planned educational programs, and the desire to help. Young people must be heard, and their problems and conflicts given serious consideration.

"The responsibility which rests with schools and the community is prevention. Young people must be taught the dangers of drugs to the mind and body. They must be made aware of the consequences of drug abuse, both now and in their future lives."

The public schools have detailed the policy and procedure, for the medical management of suspected drug abusers and the policy and procedures for administrative management of emergency and non-emergency drug abusers.

Portland, Oreg.

There were 23,822 pupils in the city's high schools. The school system admits that there is traffic of drugs in the school buildings and school areas.

The Portland Police Narcotics Detail provided this office with the following statistics of juveniles under eighteen years of age who were referred to Juvenile Court for drug violations and drug use problems:

1964	2
1965	1
1966	11
1967	17
1968	97
1969	224
1970	234

The Board of Education itself conducted sixty-one investigations in drug-related problems during the 1969–1970 school year.

There are specialized school security officers who patrol schools and are trained to develop intelligence, make apprehensions, and take cases to court when necessary. Leonard Schmurr, Chief Special Investigator for Portland Public Schools reported to this office that "the Narcotics Division of the Portland Police Department maintains a special school detail of several officers who spend most of their efforts working with school-aged persons, some within the school situation and some outside. These officers also act as resource people to school personnel."

San Francisco, Calif.

The statistics involving arrests of juveniles in this Pacific Coast City, for narcotics and dangerous drug violations, continues to rise. The following chart indicates this rapid acceleration:

Year:	*Juveniles arrested*
1963	9
1964	22
1965	79
1966	167
1967	446
1968	631
1969	781

The average age of these juveniles is fifteen and one-half years. Frances Todd, Supervisor of Health and Family Life Education for the San Francisco Unified School District, reports that although there are no statistics concerning the 20,845 pupils attending senior high schools, regarding drug traffic in the schools. Nevertheless, he states "we know from pupil and police reports that there is considerable drug traffic in or near our schools."

The San Francisco School District has drug abuse education programs from Kindergarten to the twelfth grade. Two-thirds of the health and family life education budget is spent on drug abuse education. In 1969–1970, $92,000.00 was spent on a drug abuse program for 90,000 pupils. In each elementary and secondary school, one teacher is assigned by the principal as the drug resource teacher. The San Francisco district has many programs of preventive education in operation.

Most school districts that we contacted across the nation were candid in their appraisal of their drug situations and provided us with material information.

From the foregoing, it appears that much more is being done in other cities to educate and prevent addiction, than is done in New York which has a much greater problem. Schools in Denver, Dallas, San Francisco among other cities appear to be giving a higher priority to the drug scene than New York's educational system.

Clearly, drug abuse is a national problem. Its scope varies from city to city. Yet, undoubtedly this city has more heroin addicts and more people abusing drugs than any other city. While the federal government must assume a greater role in providing funds to be used for education and prevention of drug abuse, the school system of our city must face up to the dimensions of the drug problem and be energetic in ameliorating its evil among our youth.

SOCIETY MUST UNDO ITS DRUG-ORIENTED CULTURE BEFORE IT CAN MEET THE REAL PROBLEMS

The difficulty in dealing with drug addiction by the young is that the youth cannot understand what appears to them to be a double standard in which society condemns the drug culture with its acid heads, potheads and junkies and yet, in many ways, creates, fosters, and abets the drug culture.

The fact is that our culture is drug oriented: In 1969, 202 million prescriptions were filled for psychiatric reasons. Eight billion stimulant pills were produced last year in the United States. Fifty percent of these are non-traceable ending up in the illicit drug market selling from ten cents to a dollar each. About one-third of the prescriptions filled are for amphetamines or tranquillizers. One-third of the American population is on psycho-active drugs. The use of drugs affect so many people: The business executive using amphetamines to stay up all night . . . the middle-aged housewife who complains to the doctor about headaches and is prescribed tranquilizers and one year later graduates to amphetamines . . . schools which control overactive youngsters by administering amphetamines.

The mass media has contributed to the drug orientation of society. There are numerous radio and television commercials calling for people "to wake up, slow down, be happy, relieve tension with pills." Pills are used to solve head to foot problems, tension problems, and lethargy problems; they are used to diet, relax, cheer up, be happy and to slow down.

It has been reported that the average American family views television for 6½ hours a day. Thus, a child that begins watching at two years of age, begins his school years having seen thousands of television commercials. Television can distort the value of drugs by overemphasizing and overexaggerating the benefits of drug usage. The mass media owes a special responsibility to carry public service announcements warning of the consequences of the abuse of various kinds of drugs. In the final analysis, we can't blame children for the failings of parents or society. And, schools cannot alone solve the drug problem. It needs the assistance of all people.

Many people have pleaded with the Federal government to halt the importation of heroin from the poppy fields of Turkey and the curtailment of heroin imports from the distribution centers in France. We are pleased to note President Nixon's announcement that the Turkish government has agreed to discontinue growing the poppy plants. While we support this step as an important breakthrough, its significance in obliterating the drug market should not be exaggerated. For even if heroin were to be totally eliminated, drug-oriented youngsters would find other drugs that will kill and destroy. The elimination of harmful drugs must begin with drug education in homes, schools, and businesses. And, everyone must assume a greater sensitivity toward their responsibilities.

APPENDIX I

Penal Law § *220.00* Dangerous Drug offenses; definitions of terms.

The following definitions are applicable to this article:

1. "Narcotic drug" means any drug, article or substance declared to be "narcotic drugs" in section three thousand, three hundred-one of the public health law.

2. "Depressant or stimulant drug" means any drug, article or substance declared to be a "depressant or stimulant drug" in section three thousand, three hundred seventy-one of the public health law.

3. "Hallucinogenic drug" means any drug, article or substance declared to be "hallucinogenic drugs" in section two hundred, twenty-nine of the mental hygiene law.

4. "Dangerous drug" means any narcotic drug, depressant.

5. "Sell" means to sell, exchange, give or dispose of to another, or to offer or agree to do the same.

6. "Unlawfully" means in violation of article thirty-three, article thirty-three-A or article thirty-three-B of the public health law or section two hundred, twenty-nine of the mental hygiene law.

7. "Ounce" means an avoirdupois ounce as applied to solids and semi-solids, and a fluid ounce as applied to liquids.

Penal Law § *220.05* Criminal possession of a dangerous drug in the fourth degree.

A person is guilty of criminal possession of a dangerous drug in the fourth degree when he knowingly and unlawfully possesses a dangerous drug.

Criminal possession of a dangerous drug in the fourth degree is a class A misdemeanor.

Penal Law § *220.10* Criminal possession of a dangerous drug in the third degree.

A person is guilty of criminal possession of a dangerous drug in the third degree when he knowingly and unlawfully possesses a dangerous drug with intent to sell the same.

Criminal possession of a dangerous drug in the third degree is a class E felony.

Penal Law § *220.15* Criminal possession of a dangerous drug in the second degree.

A person is guilty of criminal possession of a dangerous drug in the second degree when he knowingly and unlawfully possesses a narcotic drug:

1. With intent to sell the same; or

2. Consisting of (a) twenty-five or more cigarettes containing cannabis; or (b) one or more preparations, compounds, mixtures or substances of an aggregate weight of (i) one-eighth ounce or more, containing any of the respective alkaloids or salts of heroin, morphine or cocaine, or (ii) one-quarter ounce or more, containing any cannabis, or (ii) one-half ounce or more, containing raw or prepared opium, or (iv) one-half ounce or more, containing one or more than one of any of the other narcotic drugs.

Criminal possession of a dangerous drug in the second degree is a class D felony.

Penal Law § *220.20* Criminal possession of a dangerous drug in the first degree.

A person is guilty of criminal possession of a dangerous drug in the first degree when he knowingly and unlawfully possesses a narcotic drug consisting of (a) one hundred or more cigarettes containing cannabis; or (b) one or more preparations, compounds, mixtures or substances of an aggregate weight of (i) one or more ounces, containing any of the respective alkaloids or salts of heroin, morphine or cocaine, or (ii) one or more ounces, containing any cannabis, or (iii) two or more ounces, containing raw or prepared opium or (iv) two or more ounces containing one or more than one of any of the other narcotic drugs.

Criminal possession of a dangerous drug in the first degree is a class C felony.

Penal Law § *220.25* Criminal possession of a dangerous drug; presumption.

The presence of a dangerous drug in an automobile other than a public omnibus is presumptive evidence of knowing possession thereof by each and every person in the automobile at the time such drug was found; except that such presumption does not apply (a) to a duly licensed operator of an automobile who is at the time operating it for hire in the lawful and proper pursuit of his trade or (b) to any person in the automobile if one of them having obtained the drug and not being under duress is authorized to possess it and such drug is in the same container as when he received possession thereof or (c) when the drug is concealed upon the person of one of the occupants.

Penal Law § 220.30 Criminally selling a dangerous drug in the third degree.

A person is guilty of criminally selling a dangerous drug in the third degree when he knowingly and unlawfully sells a dangerous drug.

Criminally selling a dangerous drug in the third degree is a class D felony.

Penal Law § 220.35 Criminally selling a dangerous drug in the second degree is a class C felony.

Penal Law § 220.40 Criminally selling a dangerous drug in the first degree.

A person is guilty of criminally selling a dangerous drug in the first degree when he knowingly and unlawfully sells a narcotic drug to a person less than twenty-one years old.

Criminally selling a dangerous drug in the first degree is a class B felony.

Penal Law § 220.45. Criminally possessing a hypodermic instrument.

A person is guilty of criminally possessing a hypodermic instrument when he knowingly and unlawfully possesses or sells a hypodermic syringe or hypodermic needle.

APPENDIX 2

The Drug Scene at the following schools: A. Sheepshead Bay; B. Brooklyn Tech; C. Fort Hamilton; D. Thomas Edison; E. Bronx Science; F. Dodge Vocational; G. Forest Hills; H. Fashion Industries; I. Walton; J. Washington Irving; K. Richmond Hill.

A. Sheepshead Bay—Brooklyn

According to the Narcotics Coordinator at the school, "The drug problem has in the last three years gotten out of hand."

The school has some drug education programs including a peer group and discussions with former addicts.

B. Brooklyn Tech—Brooklyn

Drug abuse is on the rise. There is considerable drug traffic in the lunchrooms . . . "Hygiene classes turn kids off. Students want rap sessions and not lectures about drugs," says George Maimore, the Narcotic Coordinator . . . Complaint was made by students that only ten or twelve teachers are sensitized to drug use.

C. Fort Hamilton—Brooklyn

The Dean of Boys reports that amphetamines and hashish are growing in use at the school . . . "Every kid in the school has tried marijuana," the Narcotics Coordinator reported to this office . . . "the directives of the Board of Education are paper directions—they are meaningless." . . . Many teachers are concerned about the drug problem . . . rap sessions are conducted by faculty in the lunchroom . . . school graduates are used to help out . . . students selling drugs are arrested after being given a warning . . . "Chronic cutters should know they will be discharged."

D. Thomas Edison Vocational—Jamaica

Drug abuse is increasing in this all-male school . . . students died of heroin overdose: as a result school authorities asked for undercover police. They will be helpful in decreasing heroin usage . . . there are no drug education programs . . . the Narcotics Coordinator doesn't get advice from anyone about drug programs and plans . . . the uniform police officer at the school has an excellent relationship with students and faculty . . . the Youth Squad of the Police Department cooperates with school officials.

E. Bronx School of Science—Bronx

Every child is in some way involved with drugs . . . school officials are not open about the drug problem . . . some students sniff heroin and skin pop. "But most students are into hallucinogenic speed and joints." According to a school guidance counsellor . . . there is no systematic drug problem at the school . . . periodically discussions are held among faculty. But, they are not really involved . . . there is relative quiet in schools . . . the school has had bad experience with outsiders (police, Addiction Services Agency) . . . a student, fourteen years of age recently was found unconscious in the gymnasium as a result of barbituate reaction.

F. Dodge Vocational High School—Bronx

The school has a network of ninety students who monitor drug traffic in the school and work closely with department chairmen to prevent the spread of addiction . . . 95% of the 2,000 students are girls . . . narcotics bulletins are issued regularly to students . . . this school year drug traffic in the school has been curtailed . . . the Narcotic Coordinator (unlike the deans) does not get involved with drug pushers. He is concerned about users.

G. Forest Hills—Queens

According to concerned teachers and counsellors the drug problem at this eighty percent white and eighteen percent black school is far more serious than officials would like to admit . . . on a visit to the school, the smell of marijuana was evident in the bathrooms . . . the drugs used is amphetamines and barbiturates. . . . "Every child in the school is involved with drugs . . . the school is experiencing more selective cutting, more students not functioning (incoherent and sleeping) in school, more arrests made in school . . . from September 1970 to January 1971, twenty-nine arrests for violations of drug laws were made at the school . . . only pushers (not users) are arrested . . . the cafeteria is the major area for drug traffic . . . free lunches to the indigent increased from six, twelve years ago, to one hundred now." 98% of the kids have tried marijuana within a group setting . . . 40% use marijuana on their own . . . need wider assortment of drug programs . . . most importantly teachers must be sensitized because students want someone to talk to and if each teacher could relate to one person, we would lick the problem.

H. Fashion Industries—Manhattan

This highly-rated vocational school is composed of 85% girls and 15%boys . . . the school teaches upholstery, fashion merchandising, interior design and textile design . . . there are few shakedowns and muggings . . . there is noise in the halls . . . the Narcotic Coordinator reports "practically every kid has tried marijuana" . . . of 1,600 students approximately twenty percent sniff heroin or skin pop . . . there is a lot of drug traffic in the school and past attempts to place undercover people in the school proved unsuccessful . . . the Addiction Services Agency personnel were not good. They talked down to the teachers and teachers reject the ego trips that Addiction Services Agency people go on . . . "We are tired of their insults," claimed an FTT teacher about Addiction Services Agency . . . there is a drug program at the school. It seeks to mobilize public opinion among non-addicted students against drugs.

I. Walton—Bronx

An all-girl school . . . 3,900 students are on the school register . . . the drug intake differs with the ethnic group in the school.

The school is [illegible]% black (they are into marijuana, sleeping pills and heroin) . . . 23% Puerto Rican (they are into barbiturates—very little marijuana and heroin) . . . 35% white (they are into marijuana, hallucinogenic and some diet pills) . . . 80% of the students have tried marijuana . . . 5% of the students are heroin addicts . . . 25% are addicted to pills . . . 40% are regular marijuana users . . . "Addiction Service Agency doesn't provide materials and insist that we pick up any materials at Worth Street . . . Addiction Service Agency personnel refuse to come to the school . . . Addiction Service Agency has a movie star complex," reported the Narcotic Coordinator. "Don't call us, we will call you" . . . no one at the Board of Education or Addiction Services Agency provides direction.

J. Washington Irving—Manhattan

A girls comprehensive school . . . parents of girls don't want boys in the school . . . fifty girls a semester have reactions to pills . . . 65% of the girls smoke marijuana . . . there are twenty hard-core heroin addicts in the school . . . the bottom 40% of the class academically are on welfare . . . we spoke to a pusher of drugs at a nearby Pizza shop on 16th Street and Irving Place. She is registered at Washington Irving and grosses about $100.00 a day from sales.

K. Richmond Hill—Queens

Pills-popping is in vogue in this school that is 70% white and 30% black. . . . A workshop in drug abuse is conducted in a Health Education course.

APPENDIX 3

	1968	1969	1970
Number of persons in need of supervision and juvenile delinquency petitions brought in the family court in the city of New York	22,237	24,552	24,042
Number of juvenile delinquents and persons in need of supervision petitions dismissed	8,870	10,670	11,356
Percentage of juvenile delinquents and persons in need of supervision petitions dismissed (percent)	39.9	43.5	47.2
Number of juvenile delinquents and persons in need of supervision adjudicated and sentence suspended	1,620	1,850	1,607
Number of juvenile delinquents and persons in need of supervision discharged with warning	800	683	638
Number placed on probation	7,377	7,827	7,400
Number placed in private treatment	865	795	735
Number placed in State training schools	1,601	1,545	1,302
Percentage of juvenile delinquents and persons in need of supervision brought that were placed in training schools (percent)	7.2	6.3	5.4
Number discharged to another petition	642	663	471
Number given other placement	463	519	533

APPENDIX 4

BOARD OF EDUCATION OF THE CITY OF NEW YORK, OFFICE OF INSTRUCTIONAL SERVICES

GUIDELINES GOVERNING EMERGENCY CARE PROCEDURES INVOLVING DRUG ABUSE

(Bureau for Health and Physical Education)

INTRODUCTION

The gravity of the drug problem and the steadily rising incidence among the student population require that teachers, as members of the community, be prepared to render immediate assistance to save lives and to minimize disability. The guiding principle to be observed is that the person who administers first aid is not a physician but one who assumes responsibility for providing immediate and temporary care until the services of a physician can be obtained.

It is important that all school personnel . . . supervisors, teachers and paraprofessionals be sensitized to possible behavioral evidences which might suggest drug abuse. Among the manifestations are: disorientation, confusion, euphoria, auditory and visual hallucinations, delusions, distorted sensory perception, drowsiness, lack of coordination, feelings of detachment, incoherent speech, disruption of thought processes and unconsciousness. Pronounced pin point pupils of the eyes and needle marks on the arms and other parts of the body are physical signs indicative of possible heroin abuse.

COURSE OF ACTION

The following guidelines are suggested for dealing with cases of drug abuse:

First aid procedures

1. When a student is comatose or semi-stuporous, the situation should be regarded as a life threatening one. Time is of the essence. The victim should be laid on his back, preferably on a cot, under the supervision of a nurse or teacher. If breathing stops, artificial respiration should be administered and body temperature maintained.

If the school nurse or school physician is present, each should be notified. This action, however, should not defer the calling of an ambulance which should be summoned for transportation and admission of the victim to the nearest hospital as soon as possible.

To delay such action, pending the arrival at school of the parent or guardian might result in postponing essential medical care and thereby jeopardizing recovery.

2. Where a student suspected of using drugs displays such manifestations as lethargy, incoherent speech, disruption of thought processes, alternate laughing and crying, and confusion . . . evidences of urgent, though not necessarily need for emergency care, should be escorted to the school's first aid or medical room and be placed under the supervision of a nurse or school physician.

If neither is available, a teacher should be in direct charge. The teacher should provide comfort and reassurance, avoiding rough handling of the victim. A colleague should communicate with the parent or guardian and disposition of the case should be guided accordingly.

Failure to reach the parent or guardian requires that an ambulance be summoned for necessary hospital care.

3. Under no circumstances should internal medication be dispensed or administered to a student by a teacher or nurse. This applies to antidotes as well as medicine.

Administrative Procedures

1. The principal or designated deputy, if the principal is unavailable, should be notified immediately regarding any emergency involving a student in need of help because of drug abuse.

2. If the school nurse and/or school physician is present, each should be notified so that immediate care may be instituted.

3. The school should take immediate steps to inform the parent or guardian of the situation. Where the parent or guardian is unavailable, every effort should be made to contact a relative or friend of the family.

4. In the event that the school is unable to contact the parent or guardian, or relative or friend of the family, then the right of a teacher to act as a parent (in loco parentis) becomes a compelling doctrine to employ in the light of medical or health emergency.

5. Efforts to communicate with the aforementioned persons and to summon an ambulance by dialing 9-1-1 should be delegated to some members of the faculty. Such action should in no way delay the administration of first-aid measures.

THE CITY OF NEW YORK,
OFFICE OF THE COMPTROLLER,
New York, N.Y., July 24, 1972.

JOSEPH A. PHILLIPS,
Chief Counsel, Select Committee on Crime,
House of Representatives,
Washington, D.C.

DEAR MR. PHILLIPS: I was privileged on June 20, 1972 to offer testimony to the House Select Committee on Crime on the drug abuse and drug addiction problem in New York City's school system.

I have sent you and other members of the committee the series of reports which my office issued on this problem in the last two years. I was asked at the hearings whether I could supply additional statistics regarding school attendance, since the high degree of absenteeism in our schools is, we believe, related to the problem of drug addiction.

I am enclosing a second study of school absenteeism, "The Forgotten Children," which updates some of the statistics in the first report which we issued a year ago. The second study shows no improvement in the City-wide statistics and actual further declines in statistics for Manhattan and the Bronx.

I hope this study will be of interest and use to you and the committee. Thank you for the attention you are giving to the school drug problem in New York City. I am sure that if we all continue to work together, all of us will make progress in solving this terrible problem.

Very truly yours,

ABRAHAM D. BEAME,
Comptroller.

Enclosures: (2).

NEWS—FOR RELEASE AFTER 6:00 P.M., SATURDAY, JULY 22, 1972

In a second study on school truancy, Comptroller Abraham D. Beame reported today that there had been no improvement in City-wide high school attendance figures since he issued his first study a year ago.

The new eighteen-page study, "The Forgotten Children," cites figures that show further percentage declines in average daily attendance at academic high schools in Manhattan and the Bronx.

The Comptroller said there was some improvement in Queens and Staten Island schools, but there was no change at all in Brooklyn.

On a City-wide basis, an average of 74% of registered students attended school in the 1971–1972 school year—the same percentage as last year.

Mr. Beame gave poor marks to the Board of Education for its failure to develop methods to bring about a significant improvement in attendance.

The Comptroller said, "Absenteeism in the high schools in the City of New York remains a serious problem. There has been no evidence of any overall improvement in attendance. No affirmative action appears to have been taken on a significant scale to reduce absenteeism, nor has any plan been introduced by the Board of Education to cope with the astounding number of students who are truants."

"The school system's generally lackadaisical attitude toward the truants has, in effect, made them our City's forgotten children," he added.

Mr. Beame's study shows that in the 65 academic high schools, attendance at ten schools in Manhattan had dropped from 67% in 1970–1971 to 66% in 1971–1972; that the drop in ten Bronx schools was from 72% to 71%; that the attendance at twenty-three Brooklyn schools remained the same at 72%; that seventeen Queens schools improved from 79% to 81%; and, five Staten Island schools improved from 81% to 82%.

City-wide, Mr. Beame said, "The average daily register from September 1971 through April 1972 was 243,342. In contrast, the official average daily attendance for that period was 180,073. Therefore, on the average, 63,269 students were absent each day."

The Comptroller stated, "What is even further shocking, attendance figures do not reflect the widespread cutting of classes, that made the actual attendance even worse than officially appears."

Mr. Beame said that he became interested in the truancy problem last year because of his continuing concern over the rise of drug abuse and drug addiction among high school students. He said his staff had expressed the belief that there was, in many cases, a relationship between absenteeism from school and drug abuse.

Furthermore, the Comptroller said, the intensified truancy problem has other sociological implications, the most practical of which was that, for most people, lack of a school education is "an essentially severe handicap in twentieth-century society."

Moreover, a declining attendance meant less State aid to the City since State education aid was determined by actual attendance, not enrollment, Mr. Beame said.

He added, "Finally, the State education law makes full-time attendance at school compulsory for minors up to and including the age of sixteen."

Some of the worst examples of low attendance, cited in the report, include: Benjamin Franklin, Manhattan: 48% (down from 49% in 1970–1971 and 72% in 1965–1966); Charles Hughes, Manhattan: 55% (down from 61% in 1970–1971 and 80% in 1965–1966); Boys, Brooklyn: 50% (no decline from 1970–1971, but down from 75% in 1965–1966); Jefferson, Brooklyn: 59% (down from 62% in 1970–1971 and 78% in 1965–1966); Walton, Bronx: 72% (down from 74% in 1970–1971 and 84% in 1965–1966).

Mr. Beame issued seven recommendations:

1. The Board of Education must reaffirm its commitment to compulsory education by developing the tools necessary to increase attendance.
2. The number of attendance teachers must be increased. So must the scope of their activities. As attendance has decreased from an average daily attendance of 80% in 1965–1966 to 74% in 1971–1972, the number of attendance teachers has also decreased from 104 in 1965–1966 to an unreasonable number of 85 in 1971–1972.
3. A massive educational drive must be conducted by the Board of Education and the media to impress parents and students with the need and advantages of complying with the Compulsory Education Law.
4. Alternative systems of education must be developed and implemented that would make learning relevant to the thousands of youngsters who are bored with the present set-up.
5. A conference of school officials, social work agencies, Family Court judges and interested citizens' groups should be held to find other ways and means of increasing school attendance.
6. In view of the fiscal importance of low attendance on State aid to the City, the State Commissioner of Education should work closely with the City's

Board of Education in developing and implementing a program to spur attendance in our schools.

7. Taking into consideration the findings of this report, a thorough reexamination of the construction plans for high schools is in order.

Mr. Beame's first study, made in July 1971 and entitled, "Declining Attendance in New York City's School System," found that average daily attendance was notably lower here than in ten other major cities.

Attached is a copy of the second report.

"The Forgotten Children"—A Second Study of School Truancy—July 1972

The city of New York, office of the comptroller, research and liaison unit, Abraham D. Beame, comptroller.

I. INTRODUCTION

In July 1971, the Comptroller's office issued a study on the "Declining Attendance in New York City's School System." It was hoped that the report, which pinpointed the steady decline in attendance by students attending high schools located in the City of New York would activate the Board of Education to take positive action to rectify the deteriorating siuation.

My office has now completed a further study of school attendance, which concludes that absenteeism in the high schools in the City of New York remains a serious problem. There has been no evidence of any overall improvement in attendance. No affirmative action appears to have been taken on a significant scale to reduce absenteeism, nor has any plan been introduced by the Board of Education to cope with the astounding number of students who are truants.

II. THE LAW

The Education Law of the State of New York, provides that a minor from 6 to 16 years of age, shall attend school on a full time basis.

To aid the enforcement of the Compulsory Education Law, Section 3213 stipulates that "It shall be the duty of each attendance teacher and each attendance supervisor to secure for every child his right to educational opportunities which will enable him to develop his fullest potentialities for education, physical, social and spiritual growth as an individual and to provide for the school adjustment of any non-attendance child in cooperation with school authorities, special school services and community and social agencies."

III. THE FORGOTTEN CHILDREN

Every day, there are in the City of New York thousands of students, who should be in school, but are not. This is true, not only from the legal standpoint.

Sociologically, we know that the lack of a school education is an especially severe handicap in twentieth century society. In many cases, there is a relationship between absenteeism from school by young people and juvenile delinquency and drug abuse.

Furthermore, there is a direct relationship between school attendance and state aid to education—the fewer in attendance, the less monies received by New York City.

This study shows no City-wide improvement in class attendance. In some schools, official attendance records reveal that more students are out of school than in school on an average day. The Board of Education obviously has not given the needed priority to the thousands of young people who are truant.

The school system's generally lackadaisical attitude toward the truants has, in effect, made them our City's forgotten children.

IV. OFFICIAL SCHOOL REGISTER

The following chart shows the number of students registered for high school in the City of New York from 1959 through 1972. The official school register, which cites the number of students registered on the last school day in October, has increased in academic high schools from 189,737 students in 1959 to 255,470 on October 29, 1971. Vocational high schools, increased from 37,920 in 1959 to 42,064 in 1967. But from 1967 through 1970, the number of students registered in vocational high schools declined.

REGISTERS, OCTOBER 1959 THROUGH OCTOBER 1971

	Academic high schools	Vocational high schools
1959	189, 737	37, 920
1960	188, 795	38, 697
1961	198, 248	40, 508
1962	205, 971	40, 223
1963	204, 075	40, 622
1964	204, 152	40, 183
1965	212, 689	42, 477
1966	224, 039	41, 463
1967	230, 423	42, 064
1968	235, 876	40, 202
1969	236, 087	38, 937
1970	246, 078	39, 093
1971	255, 470	41, 152

While the above table shows official October registers, it is to be noted that the *average* school register from September 1971 through April 1972 was 243,342 in academic high schools and 39,116 in vocational high schools.

V. AVERAGE PERCENTAGE OF DAILY ATTENDANCE IN ACADEMIC HIGH SCHOOLS

Since 1962, the decline in high school attendance has been steady and dramatic. The following chart indicates the average attendance in the New York City high schools from the 1962–63 school year through 1971–72.

(Note: All percentages in all tables set forth herein are to the nearest full percent.)

Average daily attendance—New York City High Schools

Year:	*Percent*
1962–63	87
1963–64	86
1964–65	85
1965–66	80
1966–67	80
1967–68	75
1968–69	64
1969–70	73
1970–71	74
1971–72 (September 1971 to May 1972)	74

The sharp decrease in 1968 is attributed to the school teachers' strike during that year.

The great percentage of truancy begun in the 1967–68 school year has not been reversed during the past five years.

An analysis of the attendance picture reveals differences in absenteeism among the boroughs in the City. Queens and Staten Island appear to have better attendance than Brooklyn and the Bronx, while Manhattan high schools, on the average, show the City's weakest attendance picture.

The following chart reveals the average attendance in high schools for the different boroughs:

MANHATTAN: ACADEMIC HIGH SCHOOLS (10)

September 1965 to June 1966 78 percent.
September 1969 to June 1970 68 percent.
September 1970 to June 1971 67 percent.
September 1971 to May 1972 66 percent.

BROOKLYN: ACADEMIC HIGH SCHOOLS (23)

September 1965 to June 1966 80 percent.
September 1969 to June 1970 70 percent.
September 1970 to June 1971 72 percent.
September 1971 to May 1972 72 percent.

BRONX: ACADEMIC HIGH SCHOOLS (10)

September 1965 to June 1966 78 percent.
September 1969 to June 1970 71 percent.

September 1970 to June 1971 72 percent.
September 1971 to May 1972 71 percent.

QUEENS: ACADEMIC HIGH SCHOOLS (17)

September 1965 to June 1966 83 percent.
September 1969 to June 1970 78 percent.
September 1970 to June 1971 79 percent.
September 1971 to May 1972 81 percent.

RICHMOND: ACADEMIC HIGH SCHOOLS (5)

September 1965 to June 1966 87 percent.
September 1969 to June 1970 81 percent.
September 1970 to June 1971 81 percent.
September 1971 to May 1972 82 percent.

The average daily register from September 1971 through April 1972 was 243,342. In contrast, the official average daily attendance for that period was 180,073. Therefore, on the average, 63,269 students were absent each day.

A school-by-school analysis reveals that although a few schools maintain a fair percentage of attendance such as Brooklyn Technical, with 89%, Tottenville, with 84%, Bronx High School of Science, with 86%, Jamaica, with 86%, and Stuyvesant with 90%, most of the high schools have extremely poor attendance rates. For instance, Boys High School, from September 1971 through May 1972, had an average daily attendance of only 50%, Thomas Jefferson, 59%, Clinton 62%, Franklin, 48% and Hughes, 55%. Many of the schools which have witnessed a steady decline in attendance over the years have not yet reversed the trend. It seems, too, that many of the weakest schools are sliding further downward.

What is even further shocking, attendance figures do not reflect the widespread cutting of classes, that make the actual attendance even worse than officially appears.

Some of the schools have suffered such a dramatic decline in attendance over the past 6 years that an investigation by the educational authorities is warranted. To cite some examples:

[In percent]

	September 1965 to June 1966	September 1971 to May 1972	Decline
Franklin (Manhattan)	72	48	24
Hughes (Manhattan)	80	55	25
Richmond (Manhattan)	76	61	15
Lane (Brooklyn)	72	60	12
Sheepshead Bay (Brooklyn)	86	77	9
Boys (Brooklyn)	75	50	25
Fort Hamilton (Brooklyn)	83	72	11
Lafayette (Brooklyn)	82	72	10
Walton (Bronx)	84	72	12
Richmond Hill (Queens)	86	76	10

The following is an analysis of academic high schools in the City of New York.

AVERAGE PERCENTAGE OF DAILY ATTENDANCE, MANHATTAN HIGH SCHOOLS—ACADEMIC

	September 1965 to June 1966	September 1969 to June 1970	September 1970 to June 1971	September 1971 to May 1972
Benjamin Franklin	72	55	49	48
Charles Hughes	80	63	61	55
George Washington	78	66	65	64
Haaren	73	61	60	59
Music and art	83	79	82	80
Julia Richman	76	60	57	61
Louis D. Brandeis	75	74	74	73
Seward Park	75	66	70	66
Stuyvesant	87	82	88	90
Washington Irving	78	75	76	74

AVERAGE PERCENTAGE OF DAILY ATTENDANCE, ACADEMIC

	September 1965 to June 1966	September 1969 to June 1970	September 1970 to June 1971	September 1971 to May 1972
Brooklyn High Schools:				
Buchwick	79	67	73	75
Canarsie	79	75	75	73
Erasmus	82	72	75	75
F.D.R	85	72	75	75
F. K. Lane	72	54	57	60
Wingate	76	65	68	59
Madison	80	75	75	75
Dewey	(1)	75	76	78
Midwood	83	75	75	80
Utrecht	81	71	75	78
Prospect Heights	78	72	68	68
South Shore	(1)	(1)	71	74
Tilden	81	71	72	74
Sheepshead Bay	86	75	76	77
Jefferson	78	60	62	59
Lincoln	83	74	77	79
Bay Ridge	78	76	74	75
Boys	75	51	50	50
Brooklyn Tech	92	89	91	89
Eastern District	66	58	60	59
Fort Hamilton	83	74	68	72
John Jay	73	59	65	64
Lafayette	82	72	74	74
Bronx High Schools:				
Stevenson	(1)	(1)	76	68
H. S. Science	88	84	85	86
Columbus	81	79	80	77
Clinton	73	64	62	62
Childs	80	75	80	76
Monroe	78	70	72	71
Morris	69	63	63	66
T. Roosevelt	73	63	66	65
Walton	84	73	74	72
Taft	78	73	72	72
Queens High Schools:				
Jackson	82	78	77	71
Bayside	86	82	81	83
Cardozo	(1)	77	79	79
Far Rockaway	79	81	81	81
Flushing	84	80	80	80
Forest Hills	86	78	80	81
Frances Lewis	83	77	79	77
Cleveland	81	78	82	83
Jamaica	85	80	83	86
Adams	83	74	76	78
Bowne	86	78	79	80
L.I.C	78	78	81	83
Van Buren	82	78	80	83
Newtown	84	77	82	83
Richmond Hill	86	75	76	77
Springfield Gardens	86	77	76	81
Bryant	82	78	77	81
Staten Island High Schools:				
Curtis	86	79	77	79
New Drop	85	81	81	81
Port Richmond	87	80	79	82
Wagner	(1)	84	84	81
Tottenville	89	82	85	84

[1] School not in existence.

VI. VOCATIONAL HIGH SCHOOLS

Cognizance must be taken of the fact that Vocational High Schools have, over the years, maintained a greater degree of attendance than Academic High Schools. Although in some Vocational High Schools there has been some decline in attendance, the reduction has not been precipitous and drastic. Two factors may contribute to this:

a. Vocational High Schools have a smaller enrollment than Academic High Schools.

b. There seems to be a greater involvement by students in their work than the average student displays towards academic work.

The following chart is an analysis of the percentage of average daily attendance for Vocational High Schools in the City of New York.

PERCENTAGE OF AVERAGE DAILY ATTENDANCE, VOCATIONAL HIGH SCHOOLS, CITY OF NEW YORK

	September 1965 to June 1966	September 1969 to June 1970	September 1970 to June 1971	September 1971 to May 1972
Art and Design, Manhattan	86	85	85	84
Central Commercial, Manhattan	87	80	77	80
Chelsea, Manhattan	79	75	76	79
Fashion Industries, Manhattan	79	78	80	75
Food and Maritime, Manhattan	80	70	69	69
Mabel Bacon, Manhattan	84	83	87	90
Manhattan, Manhattan	75	66	66	62
N.Y. Printing, Manhattan	85	77	79	76
A. E. Smith, Bronx	83	72	75	77
G. Dodge, Bronx	85	83	86	87
J. Adams, Bronx	80	84	81	81
S. Gompers, Bronx	85	76	80	76
Aviation, Queens	87	86	88	89
Jamaica, Queens	85	84	86	(1)
Queens, Queens	84	82	82	83
Edison, Queens	83	83	84	86
Wilson, Queens	81	68	69	(1)
Hamilton, Brooklyn	82	81	81	81
Barton, Brooklyn	79	76	76	81
East New York, Brooklyn	(1)	75	77	77
Maxwell, Brooklyn	86	83	83	81
Auto, Brooklyn	84	77	78	78
Whitney, Brooklyn	83	76	77	78
G. Westinghouse, Brooklyn	82	74	76	76
S. J. Hale, Brooklyn	83	79	79	77
Grady, Brooklyn	83	81	81	77

[1] Not available.

VII. RECOMMENDATIONS

1. The Board of Education must reassess priorities given to school attendance. Primarily, it must reaffirm its commitment to compulsory education by demanding attendance and by expanding and developing the tools necessary to increase attendance.

2. The number of attendance teachers must be increased. So must the scope of their activities. They ought to be more than truant officers. Task forces composed of attendance teachers aand paraprofessionals should be formed, as was done at George Washington High School, to reach out to parents and students on a personalized basis.

The Bureau of Attendance is unable to be effective in the high schools because of the small numbers of attendance teachers that are employed by the bureau. As attendance has decreased from an average daily attendance of 80% in 1965–66 to 74% in 1971–72, the number of attendance teachers has also decreased from 104 in 1965–66 to an unreasonable number of 85 in 1971–72.

3. A massive educational drive must be conducted by the Board of Education and the media to impress parents and students with the need and advantages of complying with the Compulsory Education Law.

4. Many students do not find schools relevant. Alternative systems of education must be developed and implemented that would make learning relevant to the thousands of youngsters who are bored with the present set-up.

5. A conference of school officials, social work agencies, Family Court judges and interested citizen's groups should be held to find other ways and means of increasing school attendance for those 16 years of age and under.

Chairman PEPPER. Mr. Counsel, will you call the next witness.

Mr. PHILLIPS. The next witness is Mr. Burton Roberts.

Chairman PEPPER. Mr. Roberts, we are very grateful for your coming here to give us your testimony. We thank you very much.

STATEMENT OF BURTON ROBERTS, DISTRICT ATTORNEY, BRONX COUNTY, N.Y.

Mr. ROBERTS. I appreciate being invited.

Chairman PEPPER. You have a prepared statement?

Mr. ROBERTS. No. I do not.

Mr. PHILLIPS. May I note, Mr. Roberts is a longtime friend and associate and is most highly esteemed by me.

Welcome. It is a great pleasure to see you again.

Mr. ROBERTS. Good to see you, Joe.

Mr. PHILLIPS. Mr. Roberts, in your experience as district attorney of Bronx County, N.Y., have you come into contact with the problem of drugs in schools?

Mr. ROBERTS. Yes, we have.

Mr. PHILLIPS. Tell us what you found and what you have done about it.

Mr. ROBERTS. First, I would like to present to you what the problem is that is presently in our schools. We presently have in part III, which is the youth part of the criminal courts, some 802 cases. Of those 802 cases involving youths between the ages of 16 and 21, just slightly under half are narcotics cases. Most of these are hard-core narcotic cases.

So we can estimate there are about 275 to 300 cases which are narcotic cases involving youths between the ages of 16 and 21 presently in our courts.

Of those which are narcotic cases in part III, we would say that about one-half of those cases there have been arrests made either in or around schools.

We have presently about 125 to 150 narcotic cases arising from arrests which occurred in or around the vicinity of schools and involved students of those particular schools.

So I would say it represents a problem. We have 150, that represents merely a percentage, a small percentage of those that are using narcotics within our schools. We estimate that to be the fact.

We have in the past called together various administrators of the schools, both high schools and in some instances junior high schools in Bronx County and have held various meetings with them, in which we gave them certain guidelines which they could follow. We even then printed these guidelines and sent them to the various schools in Bronx County and received requests, I might add, for these guidelines from schools in every borough in this city, and also from schools outside the city, and indeed, outside the State, for these guidelines.

We have found that some schools aggressively pursue the policy outlined in these guidelines. Some schools present us with numerous arrests. We have one school, for example, that presents us with about 100 arrests a year, a high school, 100 arrests a year, dealing with narcotics, hard-core narcotics.

Mr. PHILLIPS. Could you identify that school?

Mr. ROBERTS. Yes. Theodore Roosevelt High School. We have about 100 arrests a year, which we won't say they are all narcotics, but they are narcotic or narcotic related and those arrests occur within the school.

The participation in that arrest is either the arresting actively by the dean, or he is aided or he aids the police officer in making that arrest.

Mr. PHILLIPS. Is that school different than other schools?

Mr. ROBERTS. No, it is not.

Mr. PHILLIPS. That would be an average school in the Bronx?

Mr. ROBERTS. I would say it is an average school.

Mr. PHILLIPS. Would you say, also, if aggressive action like that were taken in other schools, that you would have similar results?

Mr. ROBERTS. Yes, but there is aggressive action taken in other schools as well. We have some schools where the narcotics doesn't exist within the school, itself. You have places like stores, candy stores, or possibly a pizza parlor, in which narcotics are being sold. We have had investigations in those areas and we have been able to be rather effective.

While it represents a problem, I would—and you know, everything is conjecture, it is speculation, you have to envision that if you have a school with an enrollment of 6,000, you have 10 percent of that student body that never comes to the school. They just do not come.

Now, many of those individuals who don't show up are using drugs. I can't say the entire 10 percent, but a good portion of them are.

Within the schools, themselves, you have, let's say 5 percent of the school body that remains, that creates trouble in the school, and a good percentage of those are narcotic addicts. The one thing that is necessary and that has to be gotten home to the board of education is the need for alternative educational facilities for individuals who do not respond to the type of education that is being given to them in these schools. This is necessary for those particular youngsters and it is necessary for the 95 percent of the rest of the student body who were there and do not want to be infected with narcotics and whose parents don't want them to become infected with narcotics.

Whenever we suggest alternative educational facilities with regard to this problem we get turned down. Part of the problem is the State has not appropriated enough funds so alternative educational facilities can be isolated.

Mr. PHILLIPS. You say alternative educational facilities. Could you elaborate on that?

Mr. ROBERTS. I would think there could be two types of alternative educational facilities. We could have an alternative educational facility which is a closed facility, which is a facility where the students would have to board and would remain and where they would receive the combination of education and treatment and where the various modalities of treatment would be offered to them.

We could have another educational facility where the individual may not be an addict but is starting to use narcotics. In those particular instances he could board at home, but at those particular institutions he would have to undergo therapy and sporadic examination where urinalysis would be a must. And if a urinalysis exam would reveal, after he attended this type of facility, that he was using heroin, he would go to the closed facility of which I speak.

This costs money, but the money that would be expended would in the long run save a great deal more money, in saving lives and having these individuals grow up to be useful adults and have lives which are not just thrown away.

We find that some schools cooperate with us. Some schools have responded to the use of these guidelines. Some schools use these guidelines. We have tried to impress upon the teachers that there have been court decisions which have upheld what we have expressed in these guidelines.

We have the *Oberland* case which gives the teacher the right to go to the desk or locker and search that locker.

We have the *Jackson* case, right in Bronx County, where a youth was searched, stopped, not even within a school, ran out of the school, was pursued by the teacher and stopped, and in his side pocket we find a hypodermic needle and syringe. He was convicted and the conviction was upheld by the Court of Appeals of New York recently.

We try to indicate the teachers stand in the shoes of the parents, in loco parentis, and the teachers has a right, acting on reasonable suspicion, which is more than mere suspicion, but which is not quite as much as probable cause, to search a student.

Assume the student is nodding in the classroom; assume four or five other students tell the teacher this individual is an addict: Certainly that teacher would not be doing his duty and living up to his responsibility as a substitute parent if he did not search that individual to ascertain whether he had narcotics on his person.

Certainly, if he sees a pupil with a hypodermic needle in the hallway, he shouldn't turn his back, he should go right over and perform a citizen's arrest.

Or if he sees a youngster with a hypodermic needle or syringe in his arm in the boys' room or girls' room he should arrest that particular student.

I have had an assistant principal of my schools telling me of finding in stairways, in back of gym buildings and hallways little used, blood, which would indicate that the hypodermic syringe and needle was used in those particular instances. I have instances where teachers said they have come upon groups of youngsters cooking up the heroin prior to having it injected into their veins.

We have a problem with regard to undercover. We had an investigation in March and April——

Mr. Phillips. Excuse me just a minute. Could you explain that to the committee: You said that you made this recommendation—it sounds like a very sound recommendation to me—of the alternate facilities, educating these addicts, trying to contain their problems. You said whenever you make the suggestion you are turned off. Please explain that.

Mr. Roberts. Turned off by someone stating to me that there are no funds, we don't have the appropriation, how are we going to get the alternative educational facilities. We are turned off when the State narcotics addiction commission hasn't got funds now to take care of youngsters who are being petitioned.

For example, we do not believe the criminal justice system is the best way to treat these youngsters who are found to be addicted to narcotics. We have suggested when there was some money in the narcotics addiction commission, that when a teacher finds someone who is addicted to drugs, that that teacher take the youngster to the principal and the principal bring in the parent or parents of the youngster, explain to the youngster that we have in the guidelines all of the procedures to be followed for a section 206 commitment under the mental hygiene law, that that particular principal explain to the parent that it is in the best interests of his youngster that he be committed to a narcotics addiction commission facility. That if the parent refuses, that the principal, himself, use the teacher to sign an affidavit.

If the teacher has some basis for believing, sound basis for believing that the student is an addict, the teacher should make out the affidavit.

And when they say "You don't know what it is, if we did that the whole community would be up in arms," I then suggest to them, if they feel the community would be up in arms, they should come to a Bronx district attorney's office and I, as a district attorney, or a citizen, can file this application, that I would in select cases—I wouldn't do it in 50 cases, but I would do it in three, four, even five cases in different schools—file such a petition to have that youngster committed to a narcotics addiction commission facility. If I did that, and they brought it to me, I felt it would have the therapeutic effect of causing those youngsters who use narcotics not to go to that school and infect other kids.

I have not received one offer from any principal of any high school to do this. And in fairness to the principals, if they came to me, the narcotic addiction commission would tell me there is no room.

Mr. BRASCO. Would counsel yield for just one moment?

Mr. PHILLIPS. Yes.

Mr. BRASCO. I want to welcome my friend, also.

Mr. Roberts, I must say you are always true to form, never lacking in preparation, and always with some very realistic recommendations. I agree with you 150 percent on the alternate education and treatment for those who are addicted.

The thing that troubles me, though, is that there is no policy on the part of the board of education.

There is something here that just escapes me. I cannot for the life of me find any logical rationale that has been used in the attitude of just sweeping this thing under the rug and not recognizing the fact there is clearly a problem in our schools.

Can you give us any insight as to what this rationale is?

Mr. ROBERTS. Yes. Let me try, if I can, to give you some example of why they feel the way they do.

(1) When we had an investigation in the high school in which we received the cooperation of the administrative adviser, in that high school we sent in two undercover men from the Bronx District Attorney's Office, and in a period of a month we made some 31 purchases involving 23 individuals. We obtained, as I recall, some 12 indictments and we were able to arrest nine individuals.

When we announced that particular finding, the parent-teachers' association in that school was up in arms. They felt as if we had besmirched the reputation of that school. They could not understand that by doing this we were really showing this was a school that was concerned, that this was a school that did not want to have individuals who were selling narcotics to the school and were cooperating in driving them out.

So you have the community, itself, that seems to feel if a school is investigated and if the people in that school are arrested, that somehow it casts a blemish on anyone who attends that particular school.

(2) I bring this to your attention, when we came out with the guidelines—you have them in front of you, I believe——

Mr. BRASCO. I have them right here.

Mr. Roberts. They are, I would think, really innocuous. We say that indiscriminate searches should not be made because of the impression that would be created.

When these guidelines came out, the New York State Civil Liberties Union couldn't wait, couldn't wait, to take a blast at them. Forget that the New York Court of Appeals decided *Oberland*. *Oberland* was still wrong. Forget that the New York Court of Appeals has said *Jackson* is OK.

Every time alternative educational facilities are suggested, the New York State Civil Liberties Union takes a stand and says they are unalterably opposed to it, and the board of education yields to that pressure. The people in the ghetto areas who are beset with this problem, who for the most part want this, are unable to articulate their demands. There is nobody to articulate their demands for them.

The New York State Civil Liberties Union has the ear of the media, and that is the popular course to be espoused by anyone connected in public officialdom, and as a result it never gets off the ground.

The reason for it is the muscle and weight of the New York State Civil Liberties Union in opposition to alternative educational facilities, in addition to the fact that it costs money.

And that is putting it where it is. You won't have anybody that is going to tell you that while they are sitting here. But I will tell it to you.

And I will tell it to you because it is the truth.

Mr. Brasco. You always did tell it.

Mr. Roberts. And I think it would be a wholesome idea, Congressman, if each Congressman that felt as you do, that there should be an alternative educational facility, would stand up and say so, and say it loud and say it clear, and say it for the people in your community because the people in your community want it.

Mr. Brasco. I have asked every witness that we have had so far, who was involved some way or another with the system and I was waiting for someone to actually crystallize what the problem actually is, and I suspect everything you said is quite accurate.

Mr. Phillips. I think, Mr. Roberts, you were talking about undercover problems that you had. Would you please continue?

Mr. Roberts. Yes. We took the two youngest detectives we had, one was 27 and one was 29, but they were able to gain entrance into this school. The reason they were able to gain entrance to this school was because of the fact there were people who were trafficking in narcotics within the school who weren't even students in the school. And between 7:30 and 8:30 this trafficking went on and right within the school building. Students had the idea that because they were operating within the four walls of the school that the police were not going to observe what they did, and the teachers were not going to take the chance of arresting them.

There were no arrests being made at that time by the school personnel in that particular school. As a result the trafficker would go in and feel he had a sanctuary in his particular place of traffic.

Mr. Phillips. Mr. Curran testified yesterday exactly the same way. He said there were a number of our schools that had become sanctuaries for drugs.

Mr. ROBERTS. And they are not sanctuaries when the administration arrests individuals. When the administration, teachers, make the arrest, themselves, aided by police officers, then the narcotic traffic will not go on within that particular school.

They went in and they met the students, found out who the fellows were, mingled with everyone and become part of the scene. As a result, they were able to make these purchases.

It is extremely difficult, for example, to put an undercover agent inside a junior high school. How are you going to do that? It is almost impossible, and yet we have an active investigation now with respect to one junior high school in Bronx County. And there is a narcotic problem. Not as serious as there is in high school, but there is a narcotic problem with respect to our junior high schools.

Mr. BRASCO. Would counsel yield?

Mr. PHILLIPS. Yes.

Mr. BRASCO. I am wondering, Mr. Roberts, if you could elaborate on this particular point, because it has been my own personal experience, as well as the experience of the committee from the hearings yesterday, that there are a number of school administrators who are actually thwarting any kind of responsible approach toward the apprehension of drugsellers on the school premises.

I am wondering: Is that an extension of the problem we spoke about a moment ago?

Mr. ROBERTS. No, there is no black-and-white answer to this. This requires a quality of approach. You need to have law enforcement, but law enforcement should not be the major thrust inside these schools. We should have, as I said before, the alternative educational facilities with respect to modalities of treatment which could be given to these youngsters, and what you need to have is an extension of the SPARK programs within these schools, as well.

You may have a good SPARK program inside a school. Where you have a narcotic coordinator who gets the confidence of some of these kids and has rap sessions with these kids and countersessions with these kids and gets the confidence of these kids and is able to take some kids who use the drugs and causes them to go off the drugs.

Once he goes off the drugs, he has to maintain this calmness, and he gives the narcotic coordinator certain information concerning Joe, Bill, Sam, what have you, that those three kids are using drugs.

He goes out and tries to get these kids and tries to get them into the program. If he went out and arrested those three kids, he would lose the confidence of the youngsters who gave him that information. They gave him that information under those circumstances, so those kids could be helped, not that they could be arrested.

If you have an effective coordinator, if you have an effective SPARK program, law enforcement can take a secondary role in that area. But if you don't have an effective SPARK program and don't have an effective narcotic coordinator who could help kids in that particular fashion, then law enforcement must move in to remove these kids from the scene because those kids are infecting others.

Mr. BRASCO. I was confining myself primarily to those inside and I don't know whether any SPARK program, or anything else, is going to be able to keep someone addicted from selling. What could we do in that limited period of time when we are trying to gear up programs and alternative systems of education to meet the problem?

Mr. ROBERTS. Let me say this with respect to that. You are going to find very few students in school that are just sellers for profit. You are going to find that the kids that are selling in these schools are hooked on this drug and are selling their 15 bags a day in order to get three bags for themselves. They are selling those bags and infecting others because they, themselves, are addicts and because they, themselves, are sick.

It is really difficult to differentiate between the kid that we find with 15 bags in his pocket, and you know damned well he is going to be selling that stuff, and the kid that is selling the stuff in order to support his habit. Both of them are doing it in order to support their habits. You have to treat both of them in the same fashion.

Those kids have to be placed in a narcotic addiction treatment facility. They have to be kept in a facility where, if they are hooked on this, if they are drug addicts, they have to be placed in a facility where they will be controlled for a period, up to, say, 6 or 9 months, and they have to be treated and they have to be separated and quarantined from the other kids, so that they don't infect the other children. They have to receive this alternative educational facility so that they, themselves, are not thrown down the sewer; so we don't have to say we forget about these youngsters.

These kids can be rehabilitated. Because many of the kids are not addicts, they are experimenting and they may be users, but they are not addicts as yet. They are 16, they are 15, they are 14, and they are not as yet hooked to such an extent that they have to be classified as addicts for the rest of their lives.

Mr. BRASCO. One different line at this point: How would your office treat someone who is 17 and was arrested with eight or 10 bags of heroin.

Mr. ROBERTS. How would we treat him?

Mr. BRASCO. Yes. What would be the disposition to try to get him in the right program, felony prosecution, how would you operate under those conditions?

Mr. ROBERTS. Well, I don't have much faith in some of the drug programs. I like a drug program where a person is going to go to the program and he is going to be controlled. He is not going to be migrating back and forth or has an open door policy. We have these cases now from this high school where these kids sold drugs. Each one of those kids will either take a plea or go to trial and be convicted after trial, or be acquitted after trial.

Those that cooperate with us in giving us the source of their supply will receive misdemeanor pleas. Those that refuse to cooperate, we will insist upon felony pleas. Their probation report will reveal whether or not the judge, after reading the probation report, will decide to give them youthful offender treatment. And if they are given youthful offender treatment, the judge then will have to decide whether or not they will go to the reformatory or be placed on probation.

But I want them to understand once they have this drug, heroin, in their possession, that they are going to be charged with a crime and they are not going to get another bite of that apple.

Mr. BRASCO. Thank you.

Mr. Phillips. The only other question I have, Mr. Roberts, was that in the course of our hearings, the issue of corruption has come up: that is, corruption by public officials in taking no action, little action, or not taking action to effect drug arrests.

Do you have any comment on that particular subject?

Mr. Roberts. You know, I can only speak of what goes on in my own county. Before the new narcotic court went into effect, we had a narcotic bureau consisting of five men.

Seated on my left is Chet Padgett, chief of that bureau. We worked in conjunction with the police. All investigations, all search warrants, come into our office in order to be checked, and all wiretap orders are made out in our office. All investigations are controlled, in effect, by our office. We initiate investigations and we go out and seek out investigations with respect to the schools, in particular.

Mr. Phillips. Do you have an opinion about the extent of corruption and whether it is affecting the distribution of narcotics in the city, or lack of enforcement, or extent of corruption?

Mr. Roberts. You are not now talking about schools, especially?

Mr. Phillips. Generally.

Mr. Roberts. Generally, there is no question that there is corruption with regard to narcotic law enforcement. At the present time—well, maybe I shouldn't say anything at this time. We have investigations into this particular area. There is no question about it. It does exist. And when it does exist we try to root it out.

We have devised various methods in Bronx County in order to prevent corruption before it even rears its head.

For example, we found that search warrants that were prepared in our office, the results on those search warrants revealed that 50 percent of the time we prepared a search warrant and the place would be hit, a report would come back to us there was no narcotics. And then we had a followup and we discovered that these places were never hit again.

Now, admittedly, narcotics is a transient type of operation, it moves from place to place, and they have a habit of changing from street to street, building to building; but we decided to see if we could do something in order to control this, to keep it from occurring. We prepared a form, as I recall, a 3-page form, in which the officer who makes a search warrant has to account, he indicates he performed certain preliminary investigative procedures and at that particular time there was nothing further that could be done prior to the time he signed the search warrant at the place.

As a result of this procedure, it takes longer to get a search warrant, and some of the police officers complain about it.

But now it is an established practice, and nobody complains anymore. While we may have less search warrants that we sign or prepare, the results are definitely better. We find now when we hit places the success rate is now 85 to 90 percent, as opposed to 50 percent before. Which is what it should be. It can't be 100 percent because there is always the chance the narcotics are going to be moved or won't come in on this particular day. But the success rate should be about 85 percent.

We find by using this particular form it is 85 percent and it sort of has a therapeutic effect and makes me feel better, that places aren't being hit and there are no narcotics present, or if there are narcotics present, they aren't being produced.

The pressure now is on, when they obtain a search warrant, when they go to those places, the Bronx District Attorney's Office fully expects to see some results will be obtained on this particular search warrant.

Chairman **Pepper**. Mr. Rangel.

Mr. **Rangel**. Mr. Chairman, I would like to state for the record that Mr. Roberts' office, long before the Knapp commission or similar types of now popular investigations, certainly has cooperated with the community and everyone else trying to find some confidence in public officials, whether they be police officers, district attorneys or elected politicians. I know personally, in terms of whenever offenders' parents or loved ones believed there had been some hank-panky, that Mr. Roberts office would take time out to personally investigate that.

I think it is good for all of us to have a public trust, to speak honestly about the facts as they exist, as we try to do the best we can.

I recall some years ago when I was speaking casually about the corruption in the police department—since I had learned to live with it—that your voice was one that came out to us in support of that.

You speak of the petition, that you are personally willing to initiate petition action. While we have found many faults within the public school system, especially with the doctors who are assigned to the schools, isn't it a fact, Mr. Roberts, petitions really haven't been used by the New York City Police Department?

Mr. **Roberts**. That is correct. And I suggested that it be used. It never has been used, and the reason, again, it hasn't been used by the New York City Police Department is the same reason the board of education doesn't have alternative educational facilities. They are afraid of the possible criticism which might arise from certain groups within the community.

It could not be utilized in a wholesale fashion and it shouldn't be utilized in a wholesale fashion. The police department, if it used it, should use it in a rather selective fashion. For example, we all know, both in the community you represent and down in south Bronx, that we have people, see people standing on the corner, and we know we have information that they are out there.

People in the community say, "Why aren't these people arrested, why don't we arrest these people?"

You know and I know, as lawyers, that you have to have probable cause to search these individuals, and you have to have some basis for arresting them, other than the fact we know them to be addicts—for being an addict is not a crime.

And if there was some means by which the police department, for example, in the 41st precinct, if you could get the 41st precinct to suddenly say, "We for this month will pick up, let's say five or six individuals that we know, we have hard evidence these individuals are addicts, and they can establish that in a court of law and petition the court for the commitment of those individuals, if indeed we have the facilities available," and then see whether or not the crime rate, the crime rate in the 41st precinct the following month went down, then extended to the 42d precinct, which is an adjoining precinct, do the same thing there, and then see whether the crime rate in those two precincts goes down.

Just do it selectively, four, five, or six individuals at the most, in each precinct. Then extend it boroughwide in each precinct and then ascertain whether the crime rate in the entire borough is down, and that seems a wise course in the other boroughs.

See whether it is effective, and if it is effective boroughwide, make it citywide. Then you are going to say, "Where are they going to go?"

I know there are some fine gentlemen here from neighboring States, but I am rather parochial in my approach. I am concerned about Bronx County primarily, the city of New York secondarily, and possibly today all of New Jersey, Pennsylvania, maybe New Jersey and Pennsylvania will do the same thing; and finally by doing it in this particular way, possibly we can do much to rid our inner cities of this addiction, which in turn leads to the increase in crime throughout our entire city.

Mr. Rangel. I agree, but it just seems that we are putting a rather heavy burden on the teacher to encourage them to use the petition—and I agree that it should be used—when we haven't been able to persuade the New York Police to use the very same petition, which is a tool for them as well.

Mr. Roberts. My answer to that is the police should use it in the manner I suggested. I say a teacher should use it, and I state to you that the greatest resource that this country has, the one thing we should spend most of our time, effort, and money on, is this priceless commodity—and they are in our schools.

And if we have a means to take these children and place them in a facility, not to hurt them, not to put the mark of Cain on their forehead by giving them a criminal record, but by making these petitions in order to civilly commit these youngsters to a facility where they will receive treatment, where their education will be continued, where they can emerge from that treatment facility whole, without this disease, and certainly with a better chance not to have this disease than they have now, then I think a teacher should do it.

I think it is more important for us to reach the youngsters in the school than it is to get somebody who unfortunately is already an old bum on the street corner and has very little chance of being rehabilitated. These kids in school who are not yet addicted, but are experimenting and using these drugs, can be saved.

It is somewhat doubtful whether the oldtimer who has been using drugs for 6, 7 years, can be saved any more. I don't want those youngsters to be that fellow on the corner, waiting for the fellow to come by with his fix for that particular day.

Mr. Rangel. I hope you and I can lay to rest the argument for turning against alternative facilities, for the fact policemen and teachers do not want to use the petition for fear of offending certain groups. I think the record is perfectly clear that if we are merely talking about the areas of our cities where we have the highest concentration of addiction, it would be the people who live in that given community, who certainly would not be offended.

Mr. Roberts. Congressman, the people in the community you represent, and the people in my county, they would applaud it to the sky.

The unfortunate thing is they are unable to articulate their demands as well as they should. And unfortunately a minority, a small minority, is able to state that they express the wishes of the people in our community. They don't.

Because you and I know that it is the people in the poverty-stricken areas of our city that demand, demand that their children not be saddled with this dread disease, and they demand that those individuals that have this disease in school be quarantined and taken away from their children so they cannot be infected.

Certainly the people in your community and the people in my community want this.

Mr. **Rangel.** Recently your office was lauded for the large number of addict pushers who not only had been convicted, but who had received substantial sentences, as opposed to other counties where there were substantial dismissals of major felony cases.

The problem I had as a former prosecutor and lawmaker, concerns itself with plea bargaining. I recognize that something has to be done, but I don't know whether it is the practice in your county, as it is in New York County where the defendant must tell the judge that nothing has been offered to him in connection with receiving a lesser sentence as a result of this plea of guilty.

Mr. **Roberts.** I don't know that that is so in New York County, Congressman. I believe the procedure in New York County is similar to the procedure in Bronx County, where plea bargaining now encompasses for the most part, not always, but for the most part, plea bargaining not only as to the type of plea which is going to be offered and accepted, but also the maximum amount of time that will be given if that plea is accepted.

For example, quite often we have pleas whereby we recommend a C felony, which carries with it a punishment up to 15 years. When that plea is accepted—and I think this is true in New York County as well—when the plea is accepted the district attorney who recommends the plea, states on the record that we recommend the acceptance of this particular crime—criminal sale of dangerous drugs in the third degree—to cover all counts in the indictment, and we want the record to indicate that in a conference at the bench between Your Honor and the district attorney, the defense counsel and the defemdant, it was agreed that the court would not impose upon this defendant a sentence in excess of 10 years, even though the sentence that could be imposed be a sentence of up to 15.

Now, that is the procedure that presently exists and I think it exists in all counties. I know it exists in Bronx County and I am quite certain it exists in New York.

Mr. **Rangel.** You used the example where the outside limit was 10 years. Naturally, my primary concern is with those citizens trying to enforce the law and trying to cooperate with the police who bring the evidence to the police, and then find out the defendant is sent back home.

Mr. **Roberts.** I can answer it this particular way. With respect to the plea-bargaining process it is not utilized the same way in each case. Now, in a class A felony case we have—I suppose that is what you are referring to—in a class A plea-bargaining situation, we have certain policies that we law down:

(1) The defendant has an absolute right to make motions to suppress the evidence which was seized. And we have the absolute right, if we insist on pressing that motion, to recommend that he accept no lesser plea and if he is convicted, he get a sentence of anywhere from 15-to-25 years to life.

If he wishes to accept a plea, and we enter into plea bargaining, we go up to the court with respect to the class B felony. We state to the judge we want it clearly stated on the record that this plea bargaining encompasses the fact this defendant is to receive a sentence of, let's say, 20 years. That if upon receipt of the probation report the court does not feel that he can or should give this defendant 20 years, he will allow the defendant to withdraw his plea. And he gives him that courtesy and he gives us that courtesy.

With respect to a class A felony, a plea bargaining entered into 99 percent of the time encompasses that situation. There is only one case involving an A felony dealing with narcotics when that particular bargaining was not withheld—that involved a man 64 years of age, had 16 pounds of heroin, who was arrested and took a plea to a class B felony. It was agreed that individual would receive 15 years. At the time of sentencing the probation report revealed that he had an incurable disease.

He had cancer and the medical prognosis was he would not live more than 2 or 3 years. The judge at that time did not live up to that particular plea-bargaining agreement that was entered into, and gave the individual 5 years. We objected: but I cannot in my heart find what that judge did was improper. Possibly I, sitting in the same position, would have done the same thing.

But usually in a class A felony, narcotics case, the plea and sentence is agreed upon and that is the sentence that is imposed upon the defendant.

That is not so if it is another type of crime. We just don't have that luxury. We have to get pleas and have to get rid of 16,000 cases.

Mr. RANGEL. That is my problem. I think you said the magic words—you have to get rid of 16,000 cases. And if we find out that drug-related crimes are now cluttering up the court calendar, my concern is whether or not plea bargaining is really relaxing one's constitutional right to have a trial by jury.

Or to put it another way: Do you not believe that as a result of plea bargaining, many innocent people would accept a lesser sentence as a result of that bargaining, rather than take the gamble and go to trial?

Mr. ROBERTS. Let me answer it this way, Congressman. One, nobody holds a gun at anybody's head and tells him to take a plea on attempted grand larceny in the second degree when he is charged with grand larceny in the first degree. No one took a hold and told him to agree to 4 years, and if he went to trial he would get 15 years.

Mr. RANGEL. Mr. Roberts, you said nobody took a hold, but I have heard you explain that is the right he has.

Mr. ROBERTS. He has a right to go to trial, and if he is found guilty, and if the jury finds him guilty, from the evidence solicited, he then faces the sentence which the law and the legislature have decreed one is convicted of robbery in the first degree.

Mr. RANGEL. If he pleads guilty to a lesser offense, then——

Mr. **Roberts**. The law says for that lesser offense, you get less time if convicted.

But let me say this to you. We have in Bronx County about 6,000 cases, indictments that come down, defendants who are indicted. Of those 6,000 we try a thousand. Last year we had a good year. We tried about 170. We get about 4,000 or 4,500 pleas.

Now, we have a backlog of anywhere from 1,200, 1,150, 1,160. The one thing that can stop crime is not so much the severity, but the certainty and speed with which a case is adjudicated. There is no question about it.

It is not necessary that a man get 25 years on every robbery. If we knew every man that was charged with robbery would be before a bar of justice and his case could be adjudicated within 6 months, it would be wonderful. We really could stop crime.

At the current rate of disposition by trial, seven per month, just the narcotic parts I have, at the current rate of disposition by trial, seven per month, with 250 active indictments that we presently have, and forget that we have any intake, that suddenly everybody becomes straight and no longer uses narcotics, nobody commits a narcotics crime, it would take us 36 months to try each and every one of those cases to completion.

Now, the whole criminal justice system would break down. You may say, well, we should have the facilities to try each and every case. My answer to that would be we would then need a court facility as big as the Triborough Bridge and 50 percent of the population of Bronx County to perform the functions within that facility in order to see that take place. It just is not practical to do so.

Just one step further. It is not necessary to impose upon any individual the maximum sentence that the law allows or insist on the countdown on each indictment, because even as they say in Gilbert and Sullivan's "Mikado," "Make the punishment fit the crime." The punishment must also take into account not only the crime but the individual as well.

And by having plea bargaining we are able to temper justice with some mercy and be able to give to individuals the type of punishment that possibly would be most appropriate under the circumstances of the case and because of the background of the individual.

There is no other way that we can cope with the background of cases in the urban areas other than plea bargaining. There is no other practical way to do so. Certainly we should be able to have enough facilities so the few miscarriages of justice of which you speak, where a fellow cops a plea even though he is not guilty, would not exist.

We should have enough facilities available so that those individuals could be tried as expeditiously as possible and don't just vegetate in jail awaiting a trial.

But before a case reaches the supreme court in any of the counties it goes through so many screening processes. For example, we have some two-thirds of the felony arrests citywide which come into our processes reduced to misdemeanors. We screen cases before they are even arraigned in the criminal court. Cases have been screened in the indictment court.

Then they are screened by the assistant who has the case in the supreme court. And one thing that has to be gotten through to everybody, certainly one thing you know having worked in the U.S. attorney's office and recognizing the image and philosophy of the district attorney office, the objective is not to get convictions, but is to do justice, is to do justice to each and every individual that is charged with that particular crime.

Mr. **Rangel.** My only problem is whether or not sometimes the backlog of cases can prevent counsel, both counsel for the State and counsel for the defendant, from maintaining those basic minimums in terms of insuring justice.

Mr. **Roberts.** That log prevents the community from receiving justice and prevents the defendant from receiving justice. The way to offset that is not to have a courthouse as big as Triborough Bridge, but reach a halfway medium where we who are charged with the duty of prosecuting crimes have enough facilities and enough personnel to do the job and the court has enough personnel and legal aid has enough personnel so it could be done effectively.

Mr. **Rangel.** Congratulations to you on your record.

Chairman **Pepper.** Mr. Sandman.

Mr. **Sandman.** The only thing I want to do is compliment the gentleman.

Chairman **Pepper.** Mr. Murphy.

Mr. **Murphy.** Mr. Roberts, you brought up the question of civil petition. Recently New York's Congressman John Murphy, no relative of mine, was concerned with the narcotics problem in the military and introduced an amendment on the floor of the House. His amendment would permit a three-man medical panel of the Army to certify a GI, who was a heroin addict, for treatment, civilly, for up to 3 years. Presently the Army's treatment lasts 30 days and if it is time for his discharge, he is sent out in the street.

There is a recommendation made to a heroin addict that he turn himself over to the proper authorities when he is discharged.

Congressman John Murphy had statistics showing that out of 4,400 recommendations to addicts in the military, only 23 have turned themselves in. Now, the rest of those people are in New York, Chicago, and little towns and hamlets across this country. I think the statistics bear out that every narcotic addict, during his lifetime, will turn on some six other people he comes in contact with, in order to support his habit.

This amendment by the way was defeated by the same people you mentioned here today: Letters to Congressmen stating that it would be in violation of the military man's rights to be civilly committed.

But I would suggest, however, along with your suggestion here today, that the people in the press wake up to what is happening in this country. We are returning some of these GI's who are heroin addicts. Of the 4,400 that have been recommended for further treatment, only 23 have turned themselves in. Where are the rest of these people? They are out supporting their habits. The only way they can support that habit is by crime. And we have the statistics to prove it.

So I applaud you in your efforts on this petition argument. All I can say is keep speaking up and some day your voice will be heard, along with Congressman John Murphy's.

That is all I have.

Chairman **Pepper.** Mr. Winn.

Mr. **Winn.** Thank you, Mr. Chairman.

Have you actually visited with any of the school administrators on your program?

Mr. ROBERTS. Yes.

Mr. WINN. What was your reception?

Mr. ROBERTS. I not only visited with them, I had them in my office on several occasions.

Mr. WINN. Did you find them to be cooperative or protective?

Mr. ROBERTS. I find some very cooperative and I find some very protective. I find a mixture. A mixed bag.

Mr. WINN. If they are protective, is it because of the same reason you mentioned?

Mr. ROBERTS. Some are protective because of the fear of pressure and others are protective because, philosophically, honestly, they do not agree with the philosophy of civilly committing individuals involved in heroin. Some philosophically feel it goes against their grain. And I try to argue with them and try to weigh the narcotic addicts' problems with the problem of, let's say, typhus, or say tuberculosis, of the necessity to quarantine individuals who have a bacteriologically infectious disease, and those who have narcotics convictions of a sociologically infectious disease, that will infect people the same as typhus does. Sometimes it works and sometimes it doesn't.

Mr. WINN. Of those who disagree, what was their approach to you?

Mr. ROBERTS. They don't give you an answer, they just remain mute, or you get the feeling they don't. Their questions concerning it would indicate they are not.

Mr. WINN. Don't they care?

Mr. ROBERTS. They do care.

Mr. WINN. A drug epidemic in the school?

Mr. ROBERTS. They do care, but they feel the way it should be handled is without committing individuals involved against their will. They feel it is an abridgement of the individual's rights. Philosophically, they have a right to think so. I disagree with them and expressed my disagreement.

Mr. WINN. So really, one of the real problems is the philosophical approach that some of these school administrators have to the problem, itself?

Mr. ROBERTS. Also, some who don't have the philosophical reasons have the reasons they are afraid of the pressure from other individuals in the event they embrace such a policy.

Mr. WINN. If they had this philosophical approach, then why don't some of them allow the policeman to come in, no matter whether it is undercover or whatever method the police want to to use in their job?

Mr. ROBERTS. Those philosophically opposed to civil petition are just as philosophically opposed to police coming into their schools. There is a high correlation between those who don't want to use the civil petition who also don't want to use the police department. I don't know what they expect to happen, but that just happens to be the fact.

Mr. WINN. The statements we have heard this morning—we heard it two or three times yesterday—that some of the schools are sanctuaries, is in your opinion a very truthful statement?

Mr. ROBERTS. I think that some of the schools now in Bronx County are learning, as the result of an educated process, as a result of the fact we go out and utilize these undercover men and show what happens when the administration itself doesn't move in, and either operate through civil petition or through arrests, using their own personnel, teachers, themselves, to make the arrests. I think they are coming around and recognizing the only way to cure narcotics in the schools is by aggressive pursuit of those who are addicted and those who sell narcotics within the school.

Mr. WINN. But prior to this, would you say, in your own words, they have been sanctuaries and are responsible?

Mr. ROBERTS. Not all.

Mr. WINN. Some?

Mr. ROBERTS. I would say that in Bronx County, the majority of the schools, majority of the high schools, have cooperated with us and have endeavored to work with us, some more, some less, in an effort to do something about this problem. It is a small minority that have refused to respond at all to our suggestions.

Mr. WINN. Then, some of those, that small minority that have been too protective, and their administrators have a different philosophical approach than you or I do, they could be considered sanctuaries and they could be condemned for being one of the causes for the higher rise in the use of drugs; could they not?

Mr. ROBERTS. That is correct.

Mr. WINN. Thank you, Mr. Roberts.

Thank you, Mr. Chairman.

Chairman PEPPER. Mr. Sandman.

Mr. SANDMAN. Could I ask one question about New York law: Is it a matter of statutory law that the schoolteacher has the right to search the student?

Mr. ROBERTS. It is not a matter of statutory law. It is a recent court of appeals decision which originated in the Bronx. People against Jackson, which gives the right to the teacher to search a student if he has reasonable suspicion to believe he has narcotics in his possession.

Mr. SANDMAN. Has that been tested in the highest court?

Mr. ROBERTS. The last New York Court of Appeals just came out.

Mr. SANDMAN. And it held what?

Mr. ROBERTS. They did not write an opinion. They affirmed the affirmance in our intermediate appellate court. Not our intermediate, but affirmed the affirmance in our appellate term report.

What happened here—I will give you the fact situation—a teacher, a very active teacher in this particular area, received information from other schools that this particular youngster was using narcotics. He saw the youngster. He was walking with the youngster and saw a bulk of something in his pocket.

He attempted to reach in the kid's pocket and the kid ran. The kid ran out of the school, he pursued the kid. He grabbed the kid and searched him at that time and found a hypodermic syringe and needle in his pocket.

He was tried for that, convicted, and affirmed in the appellate term.

The argument we used in the appellate term was the teacher stood in the shoes of the parent. We admitted he had no probable cause to search that kid, but he did have reasonable suspicion to believe he did have narcotics, and acted reasonably as a teacher standing in the shoes of the parent.

It was affirmed by the appellate term and affirmed unanimously by the court of appeals. Unfortunately they did not write an opinion, so the only way I can get that across is by announcing it to a committee such as this; that is a law in the State of New York, People against Jackson.

Mr. SANDMAN. One other thing about New York law. You refer to urinalysis testing of persons apprehended and under treatment and then you said he could be tested and if the test was positive, he would go back to treatment again or be incarcerated. Is that a matter of statutory law in New York?

Mr. ROBERTS. No. There is nothing in our law, or in our schools. You cannot compel any youngster to take a urinalysis test.

Mr. SANDMAN. You call it free probation; is that how you are getting it?

Mr. ROBERTS. How are we getting somebody to take the urinalysis?

Mr. SANDMAN. Yes.

Mr. ROBERTS. When someone has been to a narcotics conviction facility, either section 208 commitment, which is after criminal commitment or civil commitment, or section 206, usually the 208 commitment, at a time when they had facilities, spent 9 months, then reduced to 6, then reduced to 3. But usually 6 to 9 months. Twenty-nine months was aftercare. When he was on aftercare he would have to report, and when he reported, he would take urinalysis examination.

Mr. SANDMAN. You think he submitted to that kind of treatment and he also by agreement gave the right to be tested; is that correct?

Mr. ROBERTS. That is right. There is no other way an individual can be tested.

Mr. SANDMAN. Thank you.

Mr. ROBERTS. When they are arrested now, and they are examined, and the judge finds or suspects he is an addict—where you have dockets, we don't have that—those individuals would receive a physical examination and would also have a urinalysis examination.

But, if I may, just a note of levity as I leave. A doctor told me that someone who took a urinalysis examination got himself a cigar container, and when a sample of his urine was obtained, he merely spilled the urine which came from another person and was in this cigar container into the test tube. It was examined and came back and revealed that while John Jones was not a narcotic addict, he was pregnant.

Chairman PEPPER. Mr. Keating.

Mr. KEATING. Until the teachers and principals do participate, we will never solve the problem of narcotics in our schools.

Mr. ROBERTS. No. But I would say in Bronx County they are trying to participate. And I would urge that the board of education assist them in participating. It is not the schools and the administrator too much, but it is the board of education which refuses to recognize the wisdom of an alternative educational facility for those individuals who are not responding in the schools.

Mr. BRASCO. Would you yield for one moment?

Mr. KEATING. All right.

Mr. BRASCO. I know Mr. Roberts has indicated a program for the Bronx. Are you recommending everybody participate in the same way.

Mr. ROBERTS. You have got to holler loud.

Mr. Keating. Are you getting the necessary support you feel you need from the teachers union?

Mr. Roberts. From the teachers union, yes. The teachers union, the union, itself, yes. Whether I get it from the individual teachers—you don't get it from all of the individual teachers.

Mr. Keating. Is the union applying enough pressure on the board of education to do something?

Mr. Roberts. Well, the board of education will state the union is applying too much pressure. They have applied pressure and they applied pressure on their own membership to report crimes and cooperate with law enforcement in this regard.

Mr. Keating. That was my second question. Likewise, applying pressure on members.

Mr. Roberts. They do, but they don't have that kind of muscle to cause each one to respond.

Mr. Keating. Is there any effort being made to suspend or dismiss a teacher for failure to report, assist, or report crime generally, or narcotic addiction, secondly?

Mr. Roberts. I know of no such effort.

Mr. Keating. At the same time, I think you might find some parents who get involved, who might pursue this, who are conscientious, and others who might put pressure on the public and individual teachers to do something. Because, obviously, it becomes apparent in some schools efforts are better than in others. Is that not true?

Mr. Roberts. That is true. In some schools the effort is better and I think it is true not so much through the individual teacher, but through the administrator, to the fellow at the top of the ladder in that particular school. If you have an administrator in that particular school who wants to take a hard line with respect to this, that particular policy will seep throughout the entire school.

Mr. Keating. To put a little stiffness in the individual teacher backed by a good administrator to encourage him?

Mr. Roberts. No question about that.

Mr. Keating. And if you had this stiffness in the backs of all of the teachers and the principal in a particular school backed by the board of education, you are going to get a pretty solid reporting system?

Mr. Roberts. I would think you need that in order to stiffen up the backs of some of these administrators. You need a policy enunciated by the board of education that indicates that is what they want. If the board of education came out and said they adopt the guidelines which have been promulgated by the district attorney of Bronx County, it would be a big step forward in stiffening up the backbones of the individuals who are the administrators of the various schools throughout the city.

Mr. Keating. Do you demonstrate the effectiveness of some schools and lack of effectiveness of others by your own statements, by press releases, or factual releases?

Mr. Roberts. I do so when I visit the community and talk about the problems of narcotics.

Mr. Keating. These alternate facilities you recommend are primarily for narcotic addicts?

Mr. Roberts. Not necessarily.

Mr. Keating. OK. That is what I want to get into.

Mr. Roberts. As I said before, you have schools, you have good kids, and kids basically are good. And you have kids going to a school. 95 percent of them—we are forgetting the 10 percent that never shows up, let's forget that 10 percent for a moment. About 95 percent of those kids that regularly attend school want to go, want to learn, want to do a job; 5 percent of that student body causes all of the trouble within that particular school.

Now, it would appear to me that the procedures that the board of education now has, about all they can do is suspend the student for 5 days and then he comes back, or they play a game of musical chairs where they transfer a kid from one school into another school, where he becomes a problem in that school.

That is not the answer. I think it is unfair to the 95 percent of the students in the school, it is unfair to the parents of those 95 percent of the school. It is unfair to the 5 percent who are causing trouble, who need special attention so they can straighten up and fly right, and it is unfair to the parents of those 5 percent.

So I think in behalf of the entire student body, the board of education should adopt it. In addition, you will find of that 5 percent that causes trouble, within that core, not the whole 5 percent, but within that core, you will find those who are using hard-core drugs.

Mr. Keating. My question: Is it profitable to permit this to continue and restrict the entire process rather than to isolate it into a different area?

Mr. Roberts. I certainly think so. I think we have to. To use a phrase quite often used now, they have to bite the bullet and take the initial criticism which may be forthcoming from a small, articulate minority, and recognize what they are doing is for the greatest good of all concerned, of everyone connected with the alternative education. Those that go and those that won't be disturbed by those that have disturbed the school.

Mr. Keating. The only facility, then, would be a facility for not only narcotic addicts, but for everyone else involved in the school?

Mr. Roberts. I would have a second educational facility. I would restrict one facility solely and exclusively for those individuals who are addicted to the use of hard-core drugs, and I would use the other facility for those not so addicted.

Mr. Keating. And they could work their way out or their way back?

Mr. Roberts. Work their way. One would be so controlled that the individual would have to be boarded there. Another in which the control would not be so rigorous where they could go back and forth.

Mr. Keating. I commend you for your work and your comments this morning.

I yield back the balance of my time, Mr. Chairman.

Chairman Pepper. Mr. Roberts, how extensively have you had brought to attention instances by teachers in the public schools? I have in mind, for example, how extensive are students who have been arrested in the commission of a crime outside the school, in order to get money to buy narcotics?

Mr. Roberts. Whatever figure I gave you, Congressman, would be speculative. It would be rather conjectural. I can't give you any figure with any certainty. Suffice it so say, as I said before, we now have pending in the part III. criminal court 802 cases involving youth between the ages of 16 and 21. These are cases pending. These are pending cases in the criminal court.

And, of course, some 475 are narcotic cases, not drug-related cases, but narcotic cases, and I am willing to warrant the majority of the other cases are drug related. Of the 275, 125 narcotic arrests or arrests caught with the school or the immediate vicinity.

Mr. **Keating**. Mr. Chairman, may I make a comment? I would note that for the sake of the stenographer and those who want to be in the room to hear the testimony, that the others should leave. There is an awful lot of conversation taking place in the room, and I would wish to keep it under control so we can conduct the hearing so somebody can get something out of it.

Chairman **Pepper**. Mr. Keating is right. There is too much noise in the room. Please keep order.

Incidentally, Mr. Roberts, how much of a backlog of which you spoke a while ago is attributable to crime perpetrated by people trying to get money to pay for their heroin addiction?

Mr. **Roberts**. You know, this is a numbers game, and, I can only again guess. We have in the past, in our indictments, we range from 30 to 31 percent of our indictments for actual narcotic offenses. This is hard-core offenses. This year we find that our indictments for narcotics represent 21 percent.

So that has gone down somewhat.

There are many reasons for it going down. If you want me to explore, I will explore, but it has gone down.

With respect to the other 80 percent of the crimes, or 70 percent of the crimes that are committed that are not specifically for narcotic arrests, I would state that a least 50 percent of those crimes are committed by individuals who are narcotic addicts.

Now, are they committing them because they are narcotic addicts? That would be extremely speculative. Are they committing them in the volume they are committing because they are addicts? That, I think, is a conclusion that one would have to reach. But some of the individuals who are narcotic addicts would be committing crimes whether narcotic addicts or not. Certainly, however, the crime rate in our city would be reduced considerably if narcotic addicts in turn——

Chairman **Pepper**. That was the conclusion I was seeking. It has been the effort of this committee to try to do what it could about the problem of heroin addiction on the belief that probably we could more dramatically reduce crime in this country by the elimination of narcotic addiction than any other way.

Mr. **Roberts**. I think you are correct. It is No. 1, forgetting for the moment the real things that have to be done to eliminate the crime problem, getting at the root causes of crime: poverty, bad housing, and inequities that exist in our society.

Certainly, for the immediate attention that has to be directed by your committee and by all persons engaged in this activity is the narcotic problem.

Chairman **Pepper**. What is your opinion as to the decision of the Supreme Court of the United States as to whether or not mere addiction to heroin can be made a criminal offense? You understand there has been a holding that no State can abide by statute that heroin addiction is an offense, to cause that person to be prosecuted and brought within the jurisdiction of the law to be dealt with appropriately?

Mr. **Roberts**. I don't think I would be opposed to that in New York, because I don't think it is needed. We have a Narcotic Control Act which provides that you can control an individual who is addicted if a civil petition is obtained and not by evidence beyond a reasonable doubt, but by a preponderance of the evidence, you can stop that individual, if a narcotic addict, who can be committed to a facility where he is kept controlled and ultimately rehabilitated.

I would be opposed, I would think, under those circumstances, in making predictions per se.

Chairman **Pepper**. That comes to the same question. What you want is to get the individual within the jurisdiction of the law so that something can be done to help that individual.

Mr. **Roberts**. I would prefer even those individuals who are arrested now for crime, for minor possession crimes involving narcotics, I would welcome an opportunity to see those individuals go under section 210 of the hygiene law to the narcotic addiction facility, so that when they emerge they would not have a criminal record, would not have the Mark of Cain on their forehead, and could more easily adjust to society and could more easily obtain a position where this could not be something that would hamper them for the rest of their lives.

Chairman **Pepper**. You have that authority in New York, to take that individual in custody and permit him to be treated in an institution?

Mr. **Roberts**. That is correct.

Chairman **Pepper**. How extensively is that authority being used in New York?

Mr. **Roberts**. It elected Rockefeller as Governor in 1966, and it got a lot of rhetoric and it was used. It was never adequately funded; it was never utilized to the extent that it should have been utilized. When suddenly it came into being and money was in good faith being put into the program, the media and the same group I spoke of before, immediately hollered that these narcotic commission facilities were horrible, and quoted as their experts individuals that went there.

The most unreliable people in the world are narcotic addicts. Their word is not accepted in the criminal community where they reside. However, the one people that will listen to them are the media communication and politicians because it makes headlines. They made headlines and kept blasting the facilities to such an extent that the people in power, who were appropriating this money said, "Why do we have to get our heads knocked off for something that somehow is not receiving the type of reception it should receive?"

As a result, the funding was cut to almost nothing, and for all practical purposes it really doesn't exist in this State today. It exists, but not really the way it should. We have to get it back to a position whereby individuals can be sent there for a period up to, let's say a year, and receive aftercare for 2 years.

And in the long run it is going to reduce the backlog that Congressman Rangel speaks about, because it will take the individuals out of the criminal justice system and the money we spend for these facilities will come back tenfold.

Chairman PEPPER. Don't we know as a practical matter, unless an individual, a heroin addict is wealthy, that individual has got to commit crime to get money to sustain addiction?

Mr. ROBERTS. I think everyone recognizes that.

Chairman PEPPER. In the voluntary programs, a very small percentage of the addicts are presently being treated?

Mr. ROBERTS. That is correct.

Chairman PEPPER. So the area you are talking about is the greatest challenge of Federal, State, and local authority today, if they really intend to do something about it.

Mr. ROBERTS. And I would suggest, Congressman, due to the fact I am talking to a congressional committee, I will assure the people of New York City and New York State, I would welcome a huge Federal appropriation with the money earmarked for these facilities.

Chairman PEPPER. Does the authority exist in the school board of New York to require its students to submit to proper physical care, including urinalysis in the case the individual is suspected of narcotic addiction?

Mr. ROBERTS. I may be incorrect, but I believe there is no authority within the school board which would force a child to take a urinalysis examination.

Chairman PEPPER. Do you know any other legal authorities that exist at the present time that would require the students to submit to medical detection?

Mr. ROBERTS. I believe the board of health could issue an edict administratively in which they could compel, would have the power to do so, that every child of school age, before he enters school be given a urinalysis. You don't need legislation, all you need is administrative ruling by the board of health, New York City Board of Health, which would then state to the board of education, "You must give this urinalysis examination."

I believe the board of education, itself, could order this urinalysis examination be given.

Chairman PEPPER. My last question. I am very much interested in your suggestion of an alternate facility other than the school for the treatment of those found to be narcotic addicts within the school. Would that alternate facility you have in mind require custody on a 24-hour-a-day basis of the students assigned to that facility? Would there be day facilities, or could such facilities be established on the school grounds where students attend?

Mr. ROBERTS. I would not establish them on the school grounds as the school presently exists. The alternative educational facility I speak about would consist of several. One, where the child would have to be in that facility 24 hours; another where as he progressed, he would then have the right to go back and forth to his home, at first for weekends, then let's say 3 or 4 days a week, and finally each and every day.

Chairman PEPPER. And the funding of those facilities should be the responsibility of the Federal, State, and local authorities?

Mr. ROBERTS. Hopefully more Federal funding.

Chairman PEPPER. Thank you very much, Mr. Roberts. You have mades a valuable contribution to our hearing and we appreciate your coming.

Mr. Roberts. Thank you for inviting me.

Chairman Pepper. The committee will recess now for an hour, until 2:20.

(Thereupon, at 1:20 p.m., the hearing was recessed, to reconvene at 2:20 p.m. this same day.)

Afternoon Session

Chairman Pepper. The committee will come to order, please. Mr. Gold, will you come forward?

STATEMENT OF EUGENE GOLD, DISTRICT ATTORNEY, KINGS COUNTY, N.Y.; ACCOMPANIED BY ELLIOT GOLDEN, CHIEF ASSISTANT; AND CHARLES J. HINES, ASSISTANT DISTRICT ATTORNEY IN CHARGE, RACKETS BUREAU

Chairman Pepper. We thank you very much for coming.

Mr. Gold, for the record, will you state your position, please?

Mr. Gold. My name is Eugene Gold, Mr. Chairman. I am the District Attorney of Kings County of Brooklyn, N.Y.

Chairman Pepper. How long have you held that position?

Mr. Gold. I was elected, effective January 1, 1969.

With me are my Chief Assistant Elliot Golden, and seated to my left, Assistant District Attorney Charles J. Hines, in charge of my rackets bureau.

Mr. Phillips. Do you have any preliminary remarks?

Mr. Gold. Yes; I do. There are several things I would like to cover at the outset.

First, as I am sure the chairman is aware, and other members of the committee, that I had arranged with Mr. Hafetz, one of the counsels of this committee, approximately 10 days or 2 weeks ago, to testify here concerning the problem of narcotics in the school.

Although my appearance here today was arranged 2 weeks ago, certainly, in light of yesterday's developments, the nature of the statement I would like to make is going to be a little bit different.

I think it is rather appalling that a police officer testifies at a public hearing the way Patrolman Spinelli did, without any documentation or facts to substantiate what he said, especially when one knows the background concerning Patrolman Spinelli, as we in the district attorney's office know it.

There are several points in that regard that I would like to make.

First, Patrolman Spinelli, himself, was the subject of an investigation conducted by my office for taking approximately $8,000 or more money at the time he made an arrest of a defendant by the name of Carmen Santiago.

I might also tell you that Carmen Santiago, the case in which Patrolman Spinelli allegedly took the $8,000 or more, she was convicted after trial, sentenced to 15 years imprisonment, and is presently serving that sentence.

Mr. Phillips. Mr. Gold, before you go on, you say you conducted an investigation?

Mr. Gold. Yes.

Mr. Phillips. Was he cleared?

Mr. **Gold.** The only way one can put that is that there was nothing to substantiate the charge against Patrolman Spinelli, other than the testimony, the statement, rather, of Carmen Santiago.

Mr. **Phillips.** Did Mr. Spinelli testify against Santiago?

Mr. **Gold.** Yes, he did.

Mr. **Phillips.** Was she convicted on the basis of his testimony?

Mr. **Gold.** She was convicted, based on that testimony and other testimony as well.

Mr. **Phillips.** I think Mr. Spinelli told us yesterday in our discussion with him that he was instrumental in really actively pursuing the *Santiago* case, and trying to get a substantial jail sentence for that. Would that be true?

Mr. **Gold.** I think Patrolman Spinelli has, at least to some extent, exaggerated his role. As a matter of fact, there are matters dealing with Carmen Santiago which preceded her arrest and conviction. Miss Santiago refused to deal in any way with Patrolman Spinelli because of the charges she had against him, that he had taken $8,000 or more from her out of a box that was in her room at the time of her arrest.

She did, however, work with other law enforcement agents.

Secondly, in regard to Patrolman Spinelli, it was unfortunate, I was not aware of it myself yesterday, a complaint was lodged by the deputy chief of my criminal court bureau against Patrolman Spinelli approximately 3 months ago. The basis for that complaint was that Patrolman Spinelli would make an arrest and fail to appear in court, as a result of which cases would be dismissed.

One specific case about which the complaint was made, Patrolman Spinelli, according to court records, had failed to appear on five separate occasions in the court, as a result of which there was a dismissal.

One of those defendants was referred to the narcotic addiction control commission as an addict for treatment, and the second defendant, although the case was dismissed in the criminal court, was presented to a grand jury and that defendant was indicted.

Patrolman Spinelli has had a history, as a matter of fact, in many instances, of failing to appear in court after he has made an arrest. It was based upon that prior experience and the specific case where he failed to appear five separate times, that the complaint was made by the deputy chief of the criminal court bureau to the police department concerning Patrolman Spinelli.

Mr. **Phillips.** Can you tell us when that complaint was made, and what action was taken?

Mr. **Gold.** The complaint was made, I believe, in March of this year. Patrolman Spinelli was questioned by the police department in March of this year, and he had reasons why he did not appear in court.

For example, at one time he said the subpena never reached him. There is no way of knowing whether it had and the fact of the matter is, however, that he didn't appear, and that it was his responsibility, as it is every police officer's responsibility, to know when to appear in court when he has made an arrest.

There are procedures within the police department for appropriate notification to a police officer when a case has been adjourned. Those procedures were followed. Nevertheless, he failed to appear on the day.

On one instance he did appear at 12:30 in the afternoon, and was in the courthouse for 5 to 7 minutes after the case had been already adjourned because of his failure to appear when the case was called earlier that day.

Now, in terms of his complaint that he was bribed or offered a bribe by the assistant district attorney, there are several observations I would like to make with regard to that.

First, Patrolman Spinelli is a police officer, and as such he has a responsibility to obey the law and in obeying the law, and concomitant with that responsibility, is the obligation to arrest someone who commits a crime in his presence. And if, in fact, an assistant district attorney offered him any money, for any reason whatsoever, to fix a case as he puts it, then it seems to me he had an immediate obligation to make an arrest of that assistant district attorney, which he did not do.

Second, Patrolman Spinelli never complained to anyone in the district attorney's office, nor to any one in the police department, I might add, his superiors, that he had in fact been offered a bribe.

As I understand it, although I wasn't here yesterday, he mentioned that he had complained to two of his superiors and mentioned them by name. We checked with both of those people this morning in the police department, and both of these superior officers, whom Patrolman Spinelli named yesterday, told my office this morning that he made no complaint of any bribery or bribery attempt.

Now, the only complaint that Patrolman Spinelli had in terms of my own office was in relation to a case in which he personally was involved.

Mr. **Rangel**. May I interrupt for a moment? Is it safe to say, to the best of your knowledge, regarding this bribery allegation, that there is no common investigation at all, except for this allegation?

Mr. **Gold**. The only thing I can say to you, Congressman, is this. That Patrolman Spinelli was unhappy with the disposition of the case in which he was the complainant, and that is the case which I was just about to describe. It was a hit-and-run accident. It was in that case that I assumed he was talking about yesterday.

Mr. **Rangel**. I am sorry I interrupted you.

Mr. **Gold**. That is all right. Thank you.

Patrolman Spinelli was a complainant, himself, in a case arising out of what he charged was a hit-and-run accident. The individual whom he arrested was arrested three blocks from the place where the automobile accident took place. He charged the defendant with hit and run, and also with operating an unregistered vehicle.

I would like, if I may, for just a moment, to examine those two charges.

First, although Police Officer Spinelli lodged a charge against the defendant of operating an unregistered vehicle, that vehicle was in fact registered. The registration for it was produced, and therefore that charge was dismissed.

Secondly, he was unhappy with the fact that this defendant actually pleaded guilty to the vehicle and traffic order offense of failure to control his vehicle. What apparently he did not appreciate, when he learned of a plea, a plea that was taken when once again Patrolman Spinelli did not appear in court on the day scheduled for that case to be heard, the plea was taken without him being present because he failed to appear. But he did not understand about that plea and what he was concerned about, as he expressed it, was the effect that this plea would have on a civil liability case, a negligence case that he proposed to bring, if not having already brought it, against this defendant, arising out of that automobile accident.

It was that he was unhappy with the fact that the plea was taken by an assistant district attorney.

Now, it seems to me, if you would consider that a fix, that a man pleads guilty to failure to control his vehicle as a result of an automobile accident, I am rather surprised by that.

Now, in terms of Fort Hamilton.

Mr. **Rangel**. Excuse me. How is that related to the allegation of attempted bribery?

Mr. **Gold**. He made no such allegation. He made no such allegation when he made the complaint to my office, and Mr. Golden, he spoke to other assistants in the office and to no one did he ever say that he had been bribed or that there had been an offer of a bribe.

Mr. **Rangel**. But is there reason to believe that the person he has accused and insisted offered him a bribe is the same assistant who took the guilty plea?

Mr. **Gold**. That is possible. I don't know precisely to whom he is referring. The name has never been mentioned to me. He has never made such a complaint to the district attorney's office.

As a matter of fact, we examined it thoroughly, the circumstances of that plea, a plea of guilty——

Mr. **Rangel**. No. When I first interrupted, I was trying to find out whether or not, to the best of your knowledge, there was any current investigation going on as a result of the testimony we received yesterday.

Mr. **Gold**. Well, you mean whether we have done an investigation?

Mr. **Rangel**. No. You mentioned two of the officers mentioned in his testimony, saying an investigation had taken place. And in my inquiry I asked him if he was satisfied that someone was looking into these very serious charges that he had made. And he assured the committee that his allegations against the district attorney were presently under investigation.

Mr. **Gold**. By whom?

Mr. **Rangel**. By——

Mr. **Gold**. It comes as a total surprise to me.

Mr. **Rangel**. Mr. Saxon and Mr. McCarthy; is that correct, counsel?

Mr. **Phillips**. I remember some of that testimony. I was out of the room for part of it. There was a statement that a complaint was made to superior officials, and I understood that an investigation was being conducted, or at least the matter was being looked into.

Mr. **Rangel**. So I thought you said when you checked with his superiors and they knew nothing of it——

Mr. **Gold**. Correct. The answer I can give you, he mentioned as I understand it, two superior officers yesterday. This morning we checked with both of those superior officers.

First, both said that nothing concerning any complaint of Patrolman Spinelli concerning the district attorney's office is under investigation.

Secondly, he never made a complaint to these superior officers of any bribery.

Third, he did express a year ago, prior to being questioned, prior to coming into the D.A.'s office himself, his unhappiness with the "failure to control vehicle" plea, period.

Mr. RANGEL. Thank you.

Mr. GOLD. And the interpretation of the superior officer was this was just a disgruntled police officer.

Mr. RANGEL. I understand.

Mr. GOLD. Now, in terms of the Fort Hamilton cases: These were arrests that were made of young people in and around Fort Hamilton High School. The charges related first to marihuana and secondly to pills. I think it is important to recognize the distinction, as I am sure the committee does, between marihuana and heroin and cocaine.

I am one of those who strongly believe, Mr. Chairman, that a district attorney, indeed the criminal justice system as a whole, has a broad responsibility which includes not only the prosecution of those who commit crimes, but also to make a strenuous effort, wherever possible, to rehabilitate one who has become involved with the law.

For that reason, more than 20 years ago, if recollection serves me right, the city of New York and the five district attorneys set up a bureau, what is known as the youth counsel bureau. The purpose of the youth counsel bureau is to take young people especially who have committed crimes, who have become embroiled with the law, to place them under the supervision of the youth counsel bureau, to have them receive counseling. Then if they are in fact rehabilitated, the youth counsel bureau then recommends to the court and to the district attorney that because this individual has been rehabilitated, that it would be in the interest of justice and to the benefit of the community that the minor charges against this defendant be dismissed.

Now, that is not an unusual procedure. It is followed and used by every district attorney's office in this city; indeed, the five district attorneys constitute the board of the youth counsel bureau. A recognition by all of the district attorneys that rehabilitation is a critical function of a district attorney's office and of the court.

So when Patrolman Spinelli testified yesterday that those cases were dismissed, what he neglected to state was that the eight young people about whom he was speaking were all referred to the youth counsel bureau.

I might also tell you, Mr. Chairman, that no one is forced to go to the youth counsel bureau. The district attorney nor the court can compel the youth counsel bureau to accept a prospective individual, an individual who prospectively might be rehabilitated.

They make that judgment after they, themselves, have conducted an independent investigation.

Mr. BRASCO. Excuse me. Could you explain to the committee how the youth counsel bureau works and how one would make application to be considered?

Mr. GOLD. The youth counsel bureau in various parts of the court has part of their staff present. Recommendations are made to them by the district attorney, they are made to them by the court, and they can be made also by an outside agency. Where the charge is such, and the individual's background is such, that there is a belief that there is a possibility—now certainly, a possibility that an individual can be rehabilitated.

Now, these eight people were accepted by the youth counsel bureau after they conducted an investigation. These eight people were, in fact, rehabilitated. Interestingly enough, not one of those eight has become involved or embroiled with the law again. And it seems to me that the district attorney serves a far greater role when he prevents crime repetition, the eternal problem of recividism, of people who go to prisons, prisons that do not rehabilitate but make for better criminals, that the district attorney serves a much finer role, more in the tradition of the concept of justice in which we are supposed to believe, when he rehabilitates someone.

And that is precisely what happened in those cases.

For those who have a narrow view, that can only see the problem of crime from the simple viewpoint of arrest and prosecution, I can understand their unhappiness. But I think we have a responsibility to look at the broader view, the broader view being that the role of the criminal justice system is to deal with individuals, and if we can, to make better citizens out of them.

Mr. BRASCO. What I wanted for the committee's benefit is what would happen; once assigned to the youth counsel bureau what procedure is followed?

Mr. GOLD. After the individual is assigned to the youth counsel bureau he is questioned by one of the workers on their staff. They work up to background on the individual and then they tell the court whether they are willing to accept this individual for prospective youth counsel bureau treatment. What that means is they have come to the conclusion, as a result of their preliminary investigation, that this individual might be rehabilitated. The youth counsel bureau then asks the district attorney and the court to postpone that case until such time as they have had an opportunity to work with this young individual to see if, in fact, he can be rehabilitated.

That is what happened with these eight people.

Mr. BRASCO. What would that consist of?

Mr. GOLD. Counseling, training, they have some social workers on their staff. They also refer to private agencies. They also use psychiatric counseling, psychiatric treatment. It is a broad spectrum of approach which they have which hopefully leads to the rehabilitation of one who was a defendant.

Mr. BRASCO. From that point, how does the case get dismissed?

Mr. GOLD. What happens thereafter, after the youth counsel bureau has accepted this individual, is he then kept under supervision and counseling for a period anywhere from 6 months to a year. If that individual completes that program successfully and they come to the conclusion that this individual has, in fact, been rehabilitated and will not commit a crime again, the youth counsel bureau then recommends to the court and to the district attorney that the charge be dismissed so that this individual will not have a criminal record which will prevent this individual from being rehabilitated. We all know the general attitude concerning obtaining employment by those who have a criminal record.

Mr. BRASCO. You say these were marihuana cases, or heroin cases?

Mr. GOLD. They were not heroin cases. They were not cocaine cases.

They were pills, as many as two and three pills, and I believe in two or three instances, marihuana.

By the way, Mr. Congressman, a very tiny quantity of marihuana.

Chairman **Pepper.** Under what jurisdiction is the youth counsel bureau?

Mr. **Gold.** The youth counsel bureau is under the jurisdiction of the city of New York and is funded not only by private funds, but also with city funds.

Chairman **Pepper.** How many young people have you referred a year to this youth counsel bureau, who have been charged with some sort of crime?

Mr. **Gold.** That is done on a very selective basis, Mr. Chairman, because the facilities of the youth counsel bureau are very small. Their rate of success is extremely high. Extremely high. Of course, one of the reasons for it is that they are extremely selective in the people that they pick for the program.

I am sure that Congressman Brasco, as a former assistant district attorney in Kings County, and Mr. Phillips, former assistant district attorney in Mr. Hogan's office, are wholly familiar with the youth counsel bureau, and I daresay used it themselves when they were on the staff of the offices I mentioned.

Mr. **Phillips.** That is correct.

Chairman **Pepper.** How many have you referred in the last year to that bureau who have been charged with a drug offense?

Mr. **Gold.** Very, very few. You see, Mr. Chairman, the referral of an individual who is charged, relating to drugs, to the youth counsel bureau would be very limited, because we are not dealing with heroin or cocaine. There are other agencies that deal with an addict who is addicted to heroin, so it would be very minimal. I don't care to tell you precisely how many.

Chairman **Pepper.** Would it refresh your recollection to give us an estimate?

Mr. **Gold.** We can probably find out how many have been referred in that kind of situation by asking the youth counsel bureau.

Chairman **Pepper.** You don't have any recollection now as to the number?

Mr. **Gold.** No, sir; I would not. May I also say, Mr. Chairman, so as to not mislead you, the youth counsel bureau treatment is used for a broad spectrum of cases, not simply marihuana. Mr. Phillips sits and shakes his head "Yes." It is used in a broad spectrum of cases where young people commit the kind of crimes and have the kind of background—Congressman Rangel is shaking his head. Apparently he is familiar with it, too.

This is an accepted program for more years than I can remember in New York City.

Chairman **Pepper.** In this instance, what was it, three or four youths?

Mr. **Gold.** There were eight.

Chairman **Pepper.** You referred eight?

Mr. **Gold.** That is correct.

Chairman **Pepper.** You do not seem to recall how many besides these eight?

Mr. **Gold**. The reason I know about these eight is because they deal with Patrolman Spinelli's testimony of yesterday that these were cases that were dismissed. They weren't simply dismissed.

Chairman **Pepper**. Did you isolate the instance you are referring to?

Mr. **Gold**. I would say, Mr. Chairman, we refer—not we—the youth counsel bureau—accept probably several hundred different kinds of cases a year. I am not quite sure at the moment how many citywide. But this is a citywide program and I would suspect in excess of a thousand defendants are accepted by the youth counsel bureau for rehabilitation purposes each and every year.

Chairman **Pepper**. For the moment, you do not recall referring any of the others except these eight?

Mr. **Gold**. That is all I assume we are talking about.

Mr. **Rangel**. May I ask this: Generally speaking, you don't refer anything to an assistant, it is normally handled by staff workers?

Mr. **Gold**. That is correct. I specifically do not do it. I am not aware of it. The assistants do it. You have the youth counsel bureau in back of you. They do the preliminary investigation and they make the judgments.

Mr. **Rangel**. The reason you know about these specific cases is because of the allegation made by the witness yesterday?

Mr. **Gold**. That is correct, Congressman.

Mr. **Brasco**. Let me ask you this, if I may. What also becomes involved here is a question of veracity that everyone is concerned about, as to what to do with a student offender, and in this particular case, one who is a student and user of drugs himself or herself, and then as a result of being a user becomes involved in the traffic of drugs.

It is a kind of dilemma that raises some deep questions of philosophy in terms of how they should be handled.

Mr. **Gold**. I think, Congressman, that everyone in the criminal justice system, indeed, the New York State Legislature and I would suspect Congress itself, has recognized that the thrust must be to develop programs of rehabilitation for those addicted to drugs.

I think really that has been the thrust of not only, as I said, law enforcement, but the State of New York, when in 1966, I believe it was, enacted the narcotic addiction control committee which had for its purpose treatment of addicts that you have in this city.

Inadequate, but nevertheless, programs which dispense methadone to addicts, which is used all over the city. These are all programs which are designed hopefully to rehabilitate.

Now, that has been the thrust of what everyone in law enforcement and government has been doing, for at least 5, 6, or 7 years. We try to make a distinction between the professional pusher and the addict pusher. As a matter of fact, I am impressed, as you might have read recently, and as we in law enforcement know, the police department in this city, itself, has changed direction.

They are no longer making the kinds of arrest of street pushers that they did in the past, the objective being to reach the upper echelon pusher, which is what the objective should be, as distinguished from the individual on the street. Although I am not quite sure I agree with that policy, nevertheless, that is what has taken place.

So I think we have got to strike a balance between the role of law enforcement and the role of rehabilitative agencies.

I think that this Nation continues to believe in the worth of the individual, and it is for that reason that we tried to design programs to rehabilitate them.

Mr. **Brasco.** In connection with the youth counsel bureau: If a student was apprehended for the sale of heroin as opposed to pills or marihuana, would they be good subject matter for the youth counsel bureau?

Mr. **Gold.** I know of no instance, myself, personally, where the youth counsel bureau has agreed to accept one who sells heroin. It would be most unusual circumstances, I am confident, before they would do that. Because I think we all recognize the difference between heroin and marihuana.

So while they readily accept those who are involved with marihuana, smoking marihuana, possession of a cigarette, they would be extremely reluctant to deal with one who has been involved with heroin or cocaine.

Mr. **Brasco.** And they have to agree the individual they work with is one that is acceptable within the confines of the program?

Mr. **Gold.** Oh, yes; they have the final say.

Mr. **Brasco.** With respect to these particular individuals, was there any followup carried on by the youth counsel bureau? In other words, can they identify where they are now and what they are doing?

Mr. **Gold.** They do some followup studies, but the only thing I can tell you at this moment is that, to my knowledge, none of these people have been involved with the law again.

By the way, that is consistent with the history of the youth counsel bureau. They have been extremely effective and it is unfortunate their funds are so limited.

You know, Congressman, we are all terribly concerned, as we should be, about crime repeaters, the problem of recidivism. The one effort that has been successful in this city to avoid crime repeaters is the youth counsel bureau. It has received very, very little publicity. It is not very dramatic. Unfortunately, it doesn't make headlines because it doesn't charge anyone with anything. All it does is help people. It has received very little publicity, has received even less funds, and the constant struggle we have in the youth counsel bureau, the five district attorneys, is getting funds for its operation.

Its budget is regularly cut. This has been a source of concern to all of those who work with the youth counsel bureau, including the five district attorneys.

Mr. **Phillips.** Mr. Gold, I am having some trouble, not with this point on the youth council, where I think you are correct, but concerning the eight arrested by Officer Spinelli. There is probably some grave misunderstanding, and I think the misunderstanding in relation to that is attributable to some statements that the defendants' fathers made when the children were apprehended. Apparently Mr. Spinelli was told by the parents they were going to get this case fixed and beat, and so forth. I think this possibly has caused Detective Spinelli's thinking as a result of the subsequent acts which might be entirely proper.

Mr. **Gold.** Mr. Phillips, I am sure you are aware it is extremely difficult to prevent someone from saying they know you. Indeed, I know you and I have for many years. The fact of the matter is I did not know then, I do not know now any one of the defendants, their parents, nor their relatives.

The fact that a man or a woman allegedly said this at the time of their arrest, it seems to me it is outrageous for a policeman to make that kind of statement without backing it up.

I defy anyone to identify any one of these defendants or their parents who will say they know me. I defy anyone who can say that any one of the defendants, their parents, and their relatives, ever discussed this with me. It never happened. This is pure and simple, and as blunt as that.

Mr. PHILLIPS. The point is, Mr. Gold, not to demonstrate that fact, but to indicate to some degree how Mr. Spinelli reached the conclusion that he did:

There seems to be another apparent controversy involving the "*Light*" case or "*Lit*" case. Would you explain that to the committee, what the *Light* case or *Lit* case is?

Mr. GOLD. That case is pending at the present moment. This boy was indicted, indicted for bribery. That case is pending.

Now, Patrolman Spinelli—and I don't want to go into all of the details of it because the case is still pending, awaiting trial in the Supreme Court—Patrolman Spinelli was unhappy because there was need to corroborate his testimony. The reason for it was the evidence he had did not spell initially a bribe attempt. It did not. As a matter of fact, when a continuation of that investigation, Patrolman Spinelli, himself, made reference to the fact that he was the target of an accusation of having taken a large sum of money from Carmen Santiago.

Mr. PHILLIPS. I think I am having difficulty following. You mentioned it earlier. This is a situation, I believe, correct me if I am wrong, where Detective Spinelli made an arrest of this woman named Santiago; is that correct?

Mr. GOLD. That is correct.

Mr. PHILLIPS. For the sale or possession of narcotics?

Mr. GOLD. That is correct.

Mr. PHILLIPS. And it was a very substantial case, as I understand?

Mr. GOLD. That is correct.

Mr. PHILLIPS. During the course of the prosecution of that case, this Lit or Light is alleged to have offered Mr. Spinelli a bribe of $8,000?

Mr. GOLD. No. That is not correct.

Mr. PHILLIPS. Please tell me what the facts are.

Mr. GOLD. He is alleged to have offered a sum of money to Patrolman Spinelli for the purpose of doing what he shouldn't do with regard to the *Santiago* case.

Mr. PHILLIPS. Detective Spinelli reported that?

Mr. GOLD. Patrolman.

Mr. PHILLIPS. He reported that; is that correct?

Mr. GOLD. Immediately, no. He did not.

Mr. PHILLIPS. Well, when did he?

Mr. HAFETZ. Was that after obtaining some tape recorded conversations?

Mr. GOLD. That is not so at all. The fact of the matter is, he had a tape recorder conversation at the time of the initial appearance in court on the *Santiago* case, and if recollection serves me right, it was

September 24, 1970. That he never made my office, as far as I know, or anybody else, or perhaps he did, he never made my office aware of the fact he had such a recording until the middle of the trial of Carmen Santiago herself, who was later convicted and sentenced to 15 years.

I might also tell you that that conversation, this recording, as a matter of law, does not spell out a bribe.

Mr. PHILLIPS. Apparently, the facts which have been brought to our attention are in conflict. As I understand it, Patrolman Spinelli suggests that the prosecutor obtained evidence against Miss Santiago, then obtained evidence against a lawyer, Mr. Light.

Mr. GOLD. Light.

Mr. PHILLIPS. Was Mr. Light an assistant district attorney?

Mr. GOLD. Mr. Light was a former assistant district attorney who was a member of the district attorney's staff prior to my becoming the district attorney, and who, shortly after I became the district attorney was released from the staff, Mr. Phillips. So when Mr. Light represented Mrs. Santiago he was not assistant district attorney.

Mr. PHILLIPS. And had long since left your office?

Mr. GOLD. Absolutely.

Mr. PHILLIPS. Any bribery attempt by Mr. Light was no reflection on your office?

Mr. GOLD. That is correct.

Mr. HAFETZ. The money referred to earlier by Mrs. Santiago, being offered by Mr. Spinelli, was that the same money that became the subject of the *Light* indictment?

Mr. GOLD. No. As a matter of fact, that was in a prior arrest where Patrolman Spinelli was involved.

Mr. PHILLIPS. It would seem to me Patrolman Spinelli was pretty tenacious, at least, in prosecuting Mr. Light and Mrs. Santiago. Would that be your appraisal?

Mr. GOLD. I would say this. Patrolman Spinelli made it clear to anyone who would listen, he was going to get Carmen Santiago, not because she was a narcotics pusher, but because she had accused him of taking money from her.

Mr. BRASCO. If I may, so that we can get this a little more definitive, certainly if you put it in its proper perspective, as an attorney, I wouldn't want to attribute to you a statement by a parent saying "I know Mr. Gold and I am going to do something about this." That is obviously, you know, not something taken with any degree of reality.

Then, by the same token, with respect to Spinelli, I suppose the fact a woman he has apparently arrested twice, who said that he took money, I guess we could say the same thing about that.

Would you agree with that to some extent?

Mr. GOLD. To some extent I would; yes.

Mr. BRASCO. OK. Now, getting back to Spinelli. Apparently the first arrest that he made of Carmen Santiago, she was given what he considered to be—and I believe he stated to the committee—a rather light sentence. Was that correct?

Mr. GOLD. That is correct. And he made an accusation at the time against the sentencing judge.

Mr. BRASCO. Against the sentencing and against the judge?

Mr. GOLD. That is correct.

Mr. Brasco. Did she plead guilty or was she convicted after trial?

Mr. Gold. The fact of the matter is, in that first instance you speak about—you know, I must say, preface my answer by saying this: What particularly disturbs me about this kind of thing concerning Patrolman Spinelli and others who do the same thing—and this is not simply confined to policemen, it is sometimes done by legislative committees, not this one thus far—the isolated case and accepted testimony which receives notoriety without knowing what the facts are. It seems to me it is terribly important to know what the facts are. And the fact of the matter is, as stated to me and to others not only by police officials but also by the attorney for Mr. Light himself, that Carmen Santiago became an informant. And that is the fact, she did. And it was in the face of her becoming an informant that she received consideration from both the court and the district attorney's office.

At the time she became an informant, she refused to work with Patrolman Spinelli, and Patrolman Spinelli knew it because she claimed he had taken money from her and she would not therefore work to help law enforcement. She would not work with Patrolman Spinelli.

Congressman Brasco. So you are indicating the consideration of her light sentence was the fact she was an informant?

Mr. Gold. Oh, yes. Informant for the Federal Government and my office. That is correct.

Mr. Brasco. You are saying the Federal Bureau of Investigation?

Mr. Gold. I believe it was. Yes, sir.

Mr. Brasco. And then she was subsequently arrested?

Mr. Gold. That is right.

Mr. Brasco. And I suppose, having some experience in the area, she was playing a dual role, making some money on the side and using her role as an informant to her benefit.

Mr. Gold. It is not uncommon.

Mr. Brasco. I know. I have my own ideas about this business of informants.

So she was arrested again?

Mr. Gold. That is right.

Mr. Brasco. By Spinelli?

Mr. Gold. That is correct.

Mr. Brasco. And then the second time around she got a heavy sentence?

Mr. Gold. Fifteen years.

Mr. Brasco. Fifteen years. And around this second case was the allegation that the attorney, Mr. Light, attempted as the attorney to bribe Spinelli and/or others?

Mr. Gold. Correct.

Mr. Brasco. In behalf of Carmen Santiago, so she could be acquitted?

Mr. Gold. That is correct.

Mr. Brasco. And he didn't report that, you say, to your office?

Mr. Gold. He did not, until much after the event. And the first we became aware of that was during the trial of Carmen Santiago herself, when it was necessary for Patrolman Spinelli to produce his memo book. And in that memo book there was a reference to this recording, to this conversation with Light, and that is how we found out about it.

He was then asked to produce that recording, which he delayed producing for many, many months, again. We learned of it, I believe, in March or April of 1971. He produced it in August.

By the way, the records of the narcotic bureau indicate it was in August that Patrolman Spinelli first came to my office with that recording.

Mr. **Rangel**. When you say your office, are you talking specifically about meeting with you first?

Mr. **Gold**. No, I am talking about assistants in the office. He went to the narcotics bureau.

Mr. **Rangel**. Has he ever had any personal conversations with you?

Mr. **Gold**. The only personal conversation Patrolman Spinelli had with me was concerned with the indictment of Martin Light. Indeed, he was at the press conference at the time that I announced that indictment.

Mr. **Rangel**. Did there come a time when he was with you when one of his superior officers was outside of your office?

Mr. **Gold**. Never.

Mr. **Rangel**. I want to explain on behalf of the committee, while those of us who in public life try to do the best we can to investigate severe and reckless accusations, the only reason we did question the witness any further, as relates to the detail and substance of the allegations, was because he assured us it was already under investigation. It appears to me that when a witness comes before any committee and takes an oath and perjures himself, your office should be just as interested that an investigation be done.

Mr. **Gold**. I appreciate your remark, Congressman, but it is unfortunate that others within government itself don't react the same way.

Mr. **Brasco**. Mr. Spinelli also caused the arrest of a fellow officer?

Mr. **Gold**. Pardon me?

Mr. **Brasco**. He also caused the arrest of a fellow officer in this case?

Mr. **Gold**. He did not.

Mr. **Brasco**. I understood him to say yesterday that there was a detective who apparently, at least as I understood it, got involved somewhere in this bribe situation.

Mr. **Gold**. That is true.

Mr. **Brasco**. And that he, as a result of—well, his report, we weren't really clear, at least I don't recall, maybe it was a tape record, I think he said.

In any event, was there a detective arrested?

Mr. **Gold**. No.

Mr. **Brasco**. Was there a detective implicated?

Mr. **Gold**. Yes.

Mr. **Brasco**. And did he become an informant?

Mr. **Gold**. He did. That detective became an informant and testified before the grand jury and will testify at the trial. And without that detective—and I am not now speaking about Patrolman Spinelli, obviously—without that detective, there was no case.

Mr. **Phillips**. He received immunity and testified?

Mr. **Gold**. Oh, yes. Without him there was no case.

Mr. PHILLIPS. In addition, as I understand it from Congressman Brasco's questions, Mr. Spinelli did implicate this detective and as a result of this implication he was brought before the grand jury and received immunity and has testified against this lawyer?

Mr. GOLD. What actually happened was he had arranged in the course of this investigation for Patrolman Spinelli to have a conversation with this detective, not knowing what he was going to say in advance, obviously, and that conversation took place as a result of the investigation we were conducting where we were using Patrolman Spinelli. He had a conversation with this detective. That conversation in and of itself that he had with that detective would not be sufficient to indict or prosecute Mr. Light.

But as a result of that conversation, we were in a position to bring that police officer into our office for questioning. It was at that time that this detective agreed to cooperate with us. He did, in fact, cooperate.

He provided the missing link. He testified before the grand jury, and he also agreed, and he will testify at the trial of this lawyer.

Mr. PHILLIPS. I think he has been suspended from the police department.

Mr. GOLD. He has not been suspended. He resigned. At our insistence, I might add.

Chairman PEPPER. Mr. Gold, I can understand, if Mr. Spinelli probably worked hard in building up a case against some students who were involved in drugs and against a woman who was engaged in a large-scale drug operation, that he might be disgruntled or disappointed, perhaps somewhat bitter, if those who had authority to prosecute those people against whom he got up those cases, didn't prosecute those cases. But I wonder if you have an explanation of what motivation Mr. Spinelli could have to come before this committee yesterday, primarily as an undercover agent who has been involved in drug addiction in the schools, to tell us primarily about that. We didn't call him to tell us anything about you or any other official here.

To tell the committee that he had been frustrated in his efforts to convict some of these people in these cases and knew one of the individuals who had not prosecuted these cases, what motivation could there be for his wanting to make those charges against you, if they were baseless?

Mr. GOLD. Irresponsibility would attribute motive to one who is irresponsible. However, there are two salient factors about which there can be no dispute. First, that Patrolman Spinelli, himself, had been the subject of an investigation by my office.

And secondly, that in March of this year—I am quite sure it was March, perhaps it was the end of February—in March of this year a complaint by a member of my staff had been made against Patrolman Spinelli because of his failure to appear in court on narcotic cases, where he was the arresting officer, and that the court had dismissed cases where Patrolman Spinelli was the arresting officer because he did not appear in court.

That might provide the motivation. I cannot say that for certain, but those facts cannot be disputed.

Chairman **Pepper**. Why else would Mr. Spinelli make the accusations he made yesterday? Have you indicated to Mr. Spinelli that you in any way were unhappy with this conduct on his part?

Mr. **Gold**. Patrolman Spinelli knew the complaint had been made against him by my office in March of this year. He also knew he had been the subject of an investigation by my office.

Mr. Chairman, I think it is important to understand that if we have done nothing else, we have been most active in the prosecution of those in government who are corrupt. I think the record of my office in that regard is second to none. Only recently, I am sure, Mr. Chairman, you are aware of a very extensive indictment of a large number of police officers who were charged with corruption, and Patrolman Spinelli, as many other police officers, was very unhappy with the prosecution of police corruption.

He has said that and that is on tape, Mr. Chairman.

Chairman **Pepper**. Looking at it from his point of view, just a theoretical observation, would he have any grounds for feeling offended, hurt, or vengeful, if because he tried to press the prosecution of the people against whom he made cases the district attorney not only failed to prosecute those people, but turned around and started prosecuting him, investigating him?

Mr. **Gold**. Mr. Chairman, I think you misstated the fact.

Chairman **Pepper**. I am not stating any facts. I am simply theorizing. Could it be he had resentment against you?

Mr. **Gold**. The danger of theorizing, Mr. Chairman, sometimes the theory becomes the accepted fact, and I think we should be dealing with facts, rather than theory.

And the fact of the matter is, as I said: Carmen Santiago received a 15-year term in prison. If Patrolman Spinelli was unhappy, and he never expressed it to anyone in my office, with eight young people being rehabilitated, then I feel sorry for him.

Chairman **Pepper**. As chairman of this committee, I think all of us would certainly like to get beyond that.

Do the members have anything further on this particular question? We would like to get on the drugs in the schools, Mr. Gold, before you leave.

Mr. **Keating**. Mr. Chairman, I just want to pursue something along Mr. Brasco's line earlier, and I think he was a little more gentle. The allegation of Mr. Spinelli yesterday of the parent's statement differs very little, I think, from the statement of the bribe attempt that you made earlier in your testimony. Not the bribe attempt, but the allegation that Officer Spinelli was accused of taking $8,000.

Mr. **Gold**. That is correct.

Mr. **Keating**. That was never proved?

Mr. **Gold**. That is correct.

Mr. **Keating**. It was by a woman whom he had arrested?

Mr. **Gold**. That is correct. It is not uncommon for police officers to have that kind of charge against them in making arrests. That is very common, and each and every instance that it happens, where such a complaint was made, my office examined into it to determine if it could be proven.

Mr. **Keating.** I think you should. But I thought your complaint was the statement Officer Spinelli made about a parent making a comment he knew you——

Mr. **Gold.** You are a politician. You are a public officer holder. I am quite sure people have used your name in vain, people you don't even know. That happens to everybody in public life. But to air that kind of thing without substantiation, I think is appalling. And for this police officer to use that when the truth is that I do not know any one of those defendants or their parents, and no one can say they know me, I just think that is rather shocking.

Mr. **Keating.** I don't have any problem with your statement, but I am saying, aren't you doing the same thing he did yesterday?

Mr. **Gold.** Not at all. The fact of the matter is we have to examine the motivation of a man who has made a serious statement which is reckless and irresponsible. I think we have got to try to search for the reason for the man making those statements.

Mr. **Keating.** I think, for the record, I fail to see the difference in your statement about him and his about you, under the circumstances. I really fail to see the distinction.

Was there a recording made of this conversation regarding the bribe attempt? I may have misunderstood this. He said that one of the assistant D.A.'s had attempted bribing him in this one particular case. Is that correct?

Mr. **Gold.** I wasn't here yesterday, Mr. Keating, so I am not quite sure what he said. But the press report indicates that he allegedly had been offered a bribe by an assistant D.A. And my response to it was twofold.

First, it is not true. Actually, threefold. Second, he never made any such complaint to anyone.

Finally, he is a police officer. If, in fact, he had been offered a bribe, why didn't he make an arrest?

Mr. **Keating.** Had he ever up to this date made a complaint to you about this bribe attempt?

Mr. **Gold.** No, sir.

Mr. **Keating.** To your office?

Mr. **Gold.** No, sir. And I repeat, sir, if such an incident actually took place and Spinelli is an honest police officer, why didn't he make an arrest for bribery, if that, in fact, took place?

Mr. **Keating.** I understand what you are saying, but I thought you were indicating somewhere along the line he did report to someone that there was a bribe attempt.

Mr. **Gold.** On the contrary. He said precisely the opposite. As to more than one individual, I might say.

Mr. **Keating.** You said he failed to appear in court on five occasions. Over what period of time was this?

Mr. **Gold.** The arrest was made in that case.

Mr. **Keating.** Five times on one particular case?

Mr. **Gold.** Five times on one case, and that was the basis of the complaint made against Patrolman Spinelli in February or March of this year.

The arrest took place on March 3, 1971, by Patrolman Spinelli. He failed to appear April 21, 1971; June 22, July 8, 1971; August 24, 1971; January 21, 1972; and February 25, 1972.

Mr. KEATING. You indicated he had a history of such failures; is that correct?

Mr. GOLD. That happened with Patrolman Spinelli in other cases, that is true. Another case he failed to appear three times; another case he failed to appear twice; and I believe in one other one, once.

Mr. KEATING. Over what period of time has this occurred?

Mr. GOLD. During the time he was assigned to the narcotic bureau, but not as an undercover police officer. It is only recently he was assigned undercover, as I understand it.

Mr. BRASCO. This is a legislative inquiry in which we don't even have any jurisdiction to write legislation—only recommend—but so we can clear the entire situation, as I understand it, Mr. Spinelli said yesterday that it took him 18 months to get into the district attorney's office on his case. Do you know anything about that, Mr. Gold?

Mr. GOLD. I don't know what case he referred to.

Mr. BRASCO. The same one, about Light.

Mr. GOLD. The fact of the matter is, I repeat, the initial conversation—he had two conversations with Martin Light, in September of 1970.

Mr. BRASCO. Were those recorded conversations?

Mr. GOLD. One, the first one was not. The second one was. In addition, the first time that we became aware that he had any such conversations with Martin Light was during the trial of Carmen Santiago, which by his memo book, which he is compelled by law to produce, as you know, reflected that he had had a recorded conversation dealing with Martin Light.

It was then we demanded that recording. We received that recording.

Mr. PHILLIPS. Was that in the police department's files?

Mr. GOLD. I don't know where he had it.

Mr. PHILLIPS. You said before the bureau got the record. I am wondering, if the bureau of narcotics recorded this conversation, they must have conducted an investigation.

Mr. GOLD. No, I don't know who had the recording. He is the one who produced it for us. Where physically it was kept, I have no way of knowing.

Mr. PHILLIPS. But it was an official investigation they were conducting in a case of bribery, they were recording a conversation?

Mr. GOLD. This is something he—I assume he did officially, of course. It was during the trial in March or April of 1971 that we received first notification from his memo book that he had such a recording. What is interesting about it is that the first time he produced it, despite tremendous pressure, was not until August of 1971.

By the way, the narcotic bureau records indicate that he was, in fact, assigned to our office, I believe for a period of 2 days, with regard to that investigation, for the very first time.

In August of 1971 that investigation moved ahead. It was a conversation which then took place with a detective about whom Congressman Brasco spoke a minute ago, on January 4 of 1972. Martin Light was indicted on January 18, 14 days after the conversation of January 4. He was indicted on January 18, 1972.

Was arrested and arraigned on January 19, 1972.

Mr. PHILLIPS. It seems to me, Mr. Gold, I am sure in this situation, my evaluation of the testimony is you are telling us exactly the truth and Spinelli is also telling us exactly the truth, and somewhere there is a failure of communication. Spinelli was saying he brought it to your attention, or to the attention of your staff, and he was trying to get the case prosecuted over the period of time and it took him 18 months to get it.

Mr. GOLD. Mr. Phillips, that is not so. Because the fact of the matter is, when you examine that initial tape he made, you cannot prosecute for a crime.

Now, he had valid basis to go to the appellate division and prosecute the lawyer by way of appellate division proceedings for disbarment. A judgment was made, and Patrolman Spinelli was told that by Mr. Hines, who sits next to me, and by me personally, that I considered it more important to be patient and do the investigation, so that that lawyer could be prosecuted rather than simply place him in disciplinary proceedings, and that is the fact of what happened.

He was, in fact, indicted. Now, disciplinary proceedings are one thing, but it seems to me a lawyer who attempts to corrupt cases should be prosecuted and not simply disbarred. And as in all investigations of this kind, they take time.

Mr. RANGEL. Counsel, I would just like to state for the record, I know we are all anxious to leave this matter, but I don't think we are concerned enough as to whether or not a police officer is not satisfied with whether on not justice was done, whether or not the district attorney moved fast enough for him. I was concerned about some very serious charges made by this police officer, and I beg to differ with my colleague. I don't see remarks made by the district attorney that a defendant in a criminal case accused an officer of taking $8,000 as being the same as a police officer saying the district attorney in a particular county was fixing his case and is fixing several others.

In view of the fact these cases we are talking about were handled by the youth counsel bureau, which certainly many of the members were not aware of, we were led to believe that they were heroin cases. Further, the only reason I did not press for specific facts was because this witness led us to believe that the serious allegations he made were currently under investigation.

It seems to me that the credibility of this committee is at stake, and I would just like to say we are sorry public officeholders have to come forward and be confronted with reckless accusations. But it seems to me it is just one of two things. Either the witness who testified before us yesterday has committed perjury, or if an investigation is not underway, then certainly one should be underway.

Mr. GOLD. I might tell you, Congressman Rangel, an investigation began yesterday afternoon concerning the statements which we heard about from the press yesterday afternoon. We have been in touch with various high officials of the police department, including Patrolman Spinelli's superiors, including the head of the present special investigating unit of the police department which deals with narcotics.

We also spoke to the office of Commissioner McCarthy, who is the head of the organized crime section of the police department, since his name was mentioned here yesterday, a man who is a very close personal friend, and on the basis of his being an outstanding police officer.

We have also spoken to other police officials, with all of whom we attempted to verify the statements we were told that Spinelli made, that there was an investigation taking place. We were informed the answer was no. As a matter of fact, we asked Commissioner McCarthy's office to check with every field commander in this city, to find out if, in fact, such an investigation was taking place.

Commissioner McCarthy's office notified Mr. Hines this morning that every field commander in this city, in the police department, has been spoken to, and that no such investigation is underway as related by Patrolman Spinelli.

Now, perhaps one began as a result of the things he said yesterday. But the implication I get of his testimony was it was something that had taken place before he appeared here.

Mr. **Rangel.** That is correct.

Mr. **Gold.** That is what we checked and were told is not the truth.

Mr. **Keating.** Just one comment, Mr. Chairman.

Mr. **Phillips.** I don't recall Mr. Spinelli ever suggesting the district attorney had taken any money. I just don't remember that being testified. I think you should distinguish between taking money——

Mr. **Rangel.** I think he said he had personal conversations with the district attorney in his office and a superior officer was outside, and he was led to believe that case was fixed.

Mr. **Brasco.** If I may? I don't think he was referring to that. I think he was referring, as I recall, to a conversation that supposedly was had with Mr. Golden.

Let me ask you this, Mr. Golden. Did you ever have a conversation with Mr. Spinelli about the drug cases—I am sure he said it was conversation with you—but did you ever have a conversation with him about the drug cases, or any cases where he was the arresting officer?

Mr. **Golden.** I never had conversation with Mr. Spinelli concerning the Fort Hamilton drug cases, or, as far as I can recall, any drug cases at all.

The only conversation I had with Mr. Spinelli concerned the vehicle accident matter, in which he was dissatisfied with the disposition at the time that he failed to appear in court.

Mr. **Brasco.** Was there a superior officer with him during that conversation?

Mr. **Golden.** When the matter was called to my attention, I wanted to get the facts from Patrolman Spinelli and I asked that he come to my office. I was told he refused to come to my office unless a superior officer was present. And I waited a considerable period of time.

In the meantime nothing was being done. I then directed him to come down. He did come down and a subsequent time his superior officer, I am told, did appear, waited outside of my room for a period of time while I was trying to elicit information from Mr. Spinelli. But subsequently therefore and while Mr. Spinelli was in my office, the sergeant, I believe it was, did come in and participated in some part of the conversation.

Mr. **Keating.** Mr. Chairman, I just want to make this comment, that I find both statements appalling, the one by Spinelli and the one, the allegation of the $8,000, because both appear to be obviously without foundation. I think both were intended to discredit the other and I find that a distasteful process.

That is all I was saying before, and that is what I still feel.

Mr. GOLD. I think it is more distasteful, Mr. Keating, that a police officer can come before a congressional committee and make reckless and irresponsible charges which later make headlines and we must resort only to the answers, and the answers being quite different factually than what the patrolman testified to yesterday.

That is even more appalling.

It seems to me the credibility, not only of this committee, but the credibility of the Government is seriously impaired when that kind of thing is done without substantiation. I think clearly the record of my office, in the terms of prosecution of those who are corrupt, people in government, police and otherwise, is second to none.

And to affect the credibility of my office, this committe or anyone else in government, by a police officer who was reckless and irresponsible, I think is more appalling.

Mr. KEATING. For your information, I wasn't here yesterday. But I feel, and as I said before, we have two baseless statements, and that is what I have been saying. The baseless statement yesterday not supported by your office, which I find appalling, and the baseless statement where you found it wasn't true, or at least you didn't have any information other than the person's statement about the $8,000. I think your statement and his statement were both made to discredit the other. That is exactly what I was saying.

Chairman PEPPER. Mr. Mann.

Mr. MANN. No questions.

Chairman PEPPER. Mr. Winn.

Mr. WINN. Thank you, Mr. Chairman.

I agree with my colleague from Ohio that it is unfortunate that we have gotten this committee involved in sort of a name-calling or discrediting contest here, when our basic aim is to see what we can do to investigate the problem of drugs, drug use in the schools.

I would like to ask Mr. Gold if he knows how many indictments his office made concerning the use of drugs by students?

Mr. GOLD. I am just looking at certain figures.

Mr. WINN. Have you indicted any of the arrested?

Mr. GOLD. Oh, yes. As a matter of fact, the Franklin K. Lane High School in 1970, there were indictments and arrests made at Franklin K. Lane. The individuals are charge with the sale of heroin. Those students were indicted.

Of course, we went through the Fort Hamilton situation. At Madison, Whitman, Eli Whitney, there were prosecutions as the result of sales of heroin.

Again, at Franklin K. Lane High School prosecutions resulted from the sale of heroin, meaning indictments.

I might also say to you, Mr. Winn, which I neglected to mention just before, that the last investigation conducted by the special investigating unit, police department in this city, which concerned Franklin K. Lane and other high schools in Brooklyn, was the result of a conference held in my office with me, with the chief of my narcotics bureau and with the then chief of the special investigation unit of the police department which deals with investigations of narcotics. It was at my suggestion that those investigations were conducted and the prosecutions resulting therefrom.

Mr. WINN. Do I understand your philosophy then to be that if they are arrested by undercover agents or by police officers on the charges of possession or selling of heroin then they are subject to indictment? But if they are arrested on the charge of pills, or some of the other methods of taking dope, or becoming even addicted to those things, then, your philosophy is to send them to the youth counsel bureau?

Mr. GOLD. No, I would not want to go that far.

Mr. WINN. According to the statistics, it sounds like that.

Mr. GOLD. I do not think the statistics will reflect that at all. One must examine each situation independently to see what we are dealing with. I do not think you could make that kind of broad general statement and say it is true. I would not want to say that.

Mr. WINN. Well, have you indicted any of the arrests that have been made concerning pills?

Mr. GOLD. Yes; in other cases, oh, yes.

Mr. WINN. You did not mention those and that is why I am trying——

Mr. GOLD. I am sorry. I should have done that.

Mr. WINN. You mentioned only on heroin.

Mr. GOLD. Oh, yes; we had indictments for that, too, where it was determined the defendant should not receive youth counsel treatment.

I might also add, interestingly enough, in the Fort Hamilton case itself, one of the cases was presented to the grand jury and the grand jury reduced it to a misdemeanor and sent it back to the criminal court. This is a group of citizens in this country who believed this defendant could be better helped by handling the case in a different way. It was presented to the grand jury within 2 months after the arrest. It was after the grand jury rendered its decision, sending the case back to the criminal court, that we reevaluated the arrests made at Fort Hamilton High School, and these defendants received youth counsel bureau treatment.

Mr. WINN. I would agree with you that each individual case would deserve consideration. It would deserve the consideration in the opinion of the arresting officer which may or may not be Officer Spinelli. It would deserve the opinion of you, or those in your office, of what dispensation you want to make. In that case, it would deserve the opinion of the grand jury.

But don't you think it might be possible for an agent or undercover agent such as Officer Spinelli or others—I do not know how many are involved—that do take a certain amount of risk to try to cut down the amount of drug abuse in the high schools, and to secure arrests. If there are guidelines or no guidelines on whether arrests are to be made based on the use of pills, heroin, marihuana, how does a man like Officer Spinelli know exactly what he is supposed to do?

Mr. GOLD. The answer is: He should make an arrest.

But I think it is the responsibility after an arrest is made for other people within the criminal justice system to determine what is to happen with a given defendant.

Now, if you have someone who can be rehabilitated, Congressman, it seems to me that is a terribly important approach to make.

Secondly, this is a uniform practice where district attorneys are involved, as they should be, with programs of rehabilitation. Indeed, the very first methadone center set up in this city, which happened to be in Brooklyn, with Federal funds, I was one of the organizers and a member of the board of trustees with the former Attorney General of the United States, Mr. Katzenbach. It seems to me this is a responsible position for a district attorney to take.

You can understand a policeman might feel differently. Patrolman Spinelli obviously does, but the police commissioner, the first deputy police commissioner and other high officials of the police department have stated publicly time and again that they are concerned that there should be broader programs of rehabilitation. Otherwise, we are involved in the revolving door.

We have to teach these people. Some people should be prosecuted and sent to prison, no question about that, but some judgment has to be made as to which you are going to prosecute and send to prison and which can be rehabilitated.

Mr. WINN. I think most of us would agree, particularly in the case of the students, there should be a rehabilitation program. But at the same time, I can see where an undercover officer, or an arresting officer, might get discouraged and very down at the mouth if he knows that after each arrest he makes, under the circumstances in which he is operating, it is only going to be turned over to your office for strictly a rehabilitation approach.

I was here yesterday. I have a hunch Officer Spinelli feels his arrests do not go anywhere in your office.

Mr. GOLD. There are two basic responses to this, Congressman, I can understand, without agreeing, obviously, that Patrolman Spinelli might feel that way. There are others who feel as he does.

I daresay those who occupy positions of responsibility disagree with Patrolman Spinelli.

Secondly, arrests made by Patrolman Spinelli have been prosecuted and they have been indicted. It seems like Spinelli would like everyone whom he arrests to be indicted.

Mr. WINN. I am sure he would like that 100-percent batting average.

Mr. GOLD. I suppose he would like 100-percent batting average, but I think this society is also entitled to a 100-percent batting average—the community is entitled to that.

Mr. WINN. I agree with that, but I do not believe we should refer to a man, just because he is dedicated to his belief, as a disgruntled police officer looked down on in the eyes of the public.

Mr. BRASCO. Would my colleague yield?

After listening today and yesterday, it is obviously the fact that a police officer who makes arrests wants convictions. Sometimes the desire of the police officer becomes intertwined with how the prosecution should be handled. I think what my colleague is driving at is the fact there is obviously going to be some disagreement between the way Spinelli would like to have prosecutions handled and the way the district attorney views the job that he is expected to perform, mainly, the administration of justice, which may not be in line with what Patrolman Spinelli thinks should be done in the case.

Mr. GOLD. I think we are much further apart than that. He has made some very serious statements concerning this, and I think we are quite far apart.

But more importantly, I would suspect Patrolman Spinelli has his views as others have their views. There is no question about that.

What happens is: When those views were expressed as they were and received the kind of notoriety as they did, that does not serve any useful purpose.

Mr. Brasco. I can understand that.

Mr. Gold. Especially, when he neglected to say, for example, those eight students—just using them as an example—just by saying that the cases were dismissed with no further interest, or perhaps, he did not know, or perhaps he did not want to know, they were in fact handled by the youth counsel bureau. He may not approve of the youth counsel bureau.

Mr. Brasco. That is the point I am trying to make.

Mr. Gold. There are five district attorneys in this city who approve of it, and not only that, the chairman of the board of that bureau is a former district attorney, and every district attorney for the past 20 years has supported the concept of the youth counsel bureau.

Now, Patrolman Spinelli is entitled to his views.

Mr. Brasco. I probably used it more as a staff attorney with the Legal Aid Society, so I understand what it is. The point I am trying to make is: Obviously Patrolman Spinelli disagrees with that approach. When I was in the courtroom there were many patrolmen who disagreed with that particular approach.

In trying to get on to other matters, I was trying to find out whether or not the patrolman was just doing his job on the streets. I suppose he wants to be the prosecutor, too.

Mr. Gold. Most patrolmen would like to be prosecutors, but, I think, if history means anything, the one thing we have learned, police sometimes have a tendency to ignore the law themselves, and they take action on the street where we are then left with a case that cannot be prosecuted, because the policeman himself violated the law.

Obviously, we need better trained policemen, we need policemen more cognizant of what their responsibilities are, what people's rights are. I think when we accomplish that kind of a situation, when people's rights are not trampled on as they sometimes are; then, perhaps, we can also have better prosecutions.

Mr. Winn. I would like to continue just a minute.

I am trying to bring this back to the drug problem and not so much the personal animosity which seems to lie within this individual problem.

Let me ask you: On the original intent of your appearance before this committee, which was to ascertain from you what your opinion is and what you feel we can do about the drug problems in the schools, do you feel that the schools have been used as a sanctuary for the protection of the drug users and the drug addict?

Mr. Gold. I think that is true.

Mr. Winn. Then, you and Mr. Spinelli are finally in agreement, because he said the same thing yesterday.

Mr. Gold. We finally are. I think everyone recognizes the board of education has not cooperated in the way it could have, in that at one time, especially, there was a feeling on the part of many within that system that the drug problem should be looked at with one eye closed at least, if not two. I would hope that attitude has changed.

Mr. Winn. Have you met with the board of education?

Mr. **Gold**. We have met; I have met with school officials on and off for a substantial period of time where we have discussed the problems of drugs in the schools.

Mr. **Winn**. Do you find the discrepancy that some of your other witness have found. That some school authorities have a philosophical approach to the drug problem, that their schools or the educators should not be involved in the enforcement end, only in education?

Mr. **Gold**. You have that kind of conflict. You have some school officials who feel that way and others another way.

Mr. **Winn**. In your opinion, what is the answer to breaking down that barrier, if they are going to continue to protect their schools and their drug users and their drug addicts?

Then, this goes along with the statements we have heard for 2 days, that some of the schools—and let's say only a minority—are being used as sanctuaries. How are we going to break down that curtain?

Mr. **Gold**. I think that is probably true. As a matter of fact, we have an investigation pending now concerning three schoolteachers who were selling drugs. That does happen as well. I suspect there will be some affirmative action on that very shortly.

The point is: In some instances, it has been a sanctuary, but I hesitate to just generalize and say it is everywhere.

Mr. **Winn**. I do not believe the committee has the idea it is everywhere, but I think we are of the belief, if it prevails at all—and, obviously, it must, because everyone says that is does—then, somewhere we have to either readjust our programing or break down those barriers because the rate of drug usage and drug addiction is going up, up, up in the schools.

Mr. **Gold**. Perhaps, there is one illustration I can give you Congressman which will point up precisely what you said: Not too long ago, there was an investigation conducted by the police department at one of the colleges in Brooklyn. As a result of that investigation—my office was a part of that investigation—several college students were arrested. It was my view that there should be a great deal of notoriety given to the fact that two things had taken place (1) that the investigation had had the complete cooperation of the college itself; and (2) that affirmative action had been taken and arrests had been made.

Mr. **Winn**. I would agree.

Mr. **Gold**. To accomplish the first objective, I personally called, telephoned, the president of that college and asked him to appear at a press conference to express his concern, that he had cooperated with the investigation. The answer I received was "No."

Mr. **Winn**. Well, of course, this is understandable, too. I think this is just human nature that, even though your intent was good, he would feel that this could reflect upon him as the head of the college, the reputation of the college, certainly upon those who were considering it for next fall or the next semester.

And this, is one of the problems that concerns all of the members of this committee. We have heard this several times in the last few days.

I am trying to figure out how we break it down, and I appreciate your answers.

I have a lot of other questions, but I know we have about four or five other witnesses.

Thank you.

Chairman **Pepper**. Mr. Gold, I just want to make one observation.

On page 43 of the New York Times this morning, there is an article that refers to the testimony of Mr. Spinelli yesterday.

All I want to say is that evidently the New York Joint Legislative Committee has some ideas, also, that you have not been as diligent as you might have been in prosecuting these cases before you.

Mr. Gold. Mr. Chairman?

Chairman Pepper. Please. Having the idea which was also the idea Mr. Spinelli had. And I know, when they repeat these things, there is no accusation or criticism. Maybe there was evil motivation behind the action of the joint legislative committee in saying that your record of this investigation was very high compared with those of any other.

All I wanted to say was that this committee has no authority to attempt to pass judgment on the performance of your duties by you or the performance of his duties by Mr. Spinelli except, as an individual, I have considerable sympathy for these police officers who go out and walk the streets and offer their lives to build their cases against people they think have violated the law, and maybe they do not understand all the things the district attorney has to consider when he makes a decision, and sometimes complain, even in public, about it.

I do not think those fellows are, at least always, to be subjected to accusation and perhaps to further action by powerful men like you.

This is a little fellow in the police department. You are a big man. You have the power to subpena him; you have the power to put him under pressure. He does not have that power over you. You have had public forum just as he has; it has been carried in the press, on the TV, that you deny; you made your own comment about Mr. Spinelli. You had ample opportunity to be here, in the presence of the TV and press. And I hope that you will be big enough, even if the man was wrong, to take it and say, "Well, the man was mistaken, he did not understand all of the things I had to consider, and this is the end of it." I hope you will not pursue that fellow and try to harm him as an individual.

Mr. Gold. Well, Mr. Chairman, if you are suggesting, as I take it you are, that I be charitable with Patrolman Spinelli, perhaps another day I will feel more charitable than I do today. The things he has said, I take quite seriously, as I do the position I occupy, as I do take seriously the position, Mr. Chairman, that you occupy. Perhaps, another day, I will feel more charitable concerning Patrolman Spinelli. I cannot feel that way today.

Chairman Pepper. Thank you very much.

We appreciate your coming.

Counsel, call the next witness.

Mr. Phillips. The next witness is Mrs. Rose Shapiro.

STATEMENT OF ROSE SHAPIRO, FORMER MEMBER, BOARD OF EDUCATION, NEW YORK CITY, N.Y., AND SPECIAL ASSISTANT ON DRUGS TO GOV. NELSON A. ROCKEFELLER

Chairman Pepper. What is your name?

Mrs. Shapiro. My name is Rose Shapiro.

Chairman Pepper. And your address?

Mrs. Shapiro. My home or office?

Chairman PEPPER. Either one.

Mrs. SHAPIRO. My home address is 11 Fifth Avenue, New York City. My office address is 1855 Broadway.

Chairman PEPPER. We want to apologize to you for taking longer than we anticipated on other witnesses.

Mr. PHILLIPS. We apologize.

Mrs. SHAPIRO. I think I deserve an apology. I have been here since 10:30 this morning.

Mr. PHILLIPS. You also told me there were a number of people who came down to hear you.

Mrs. SHAPIRO. My whole clique is gone; they are all gone.

Mr. PHILLIPS. Can you tell us about your prior association.

Mrs. SHAPIRO. I was former president of the New York City Board of Education and a member for 6 years.

Mr. PHILLIPS. Can you tell us what period of time that covered?

Mrs. SHAPIRO. 1963 to 1969.

Mr. PHILLIPS. How large a board was that?

Mrs. SHAPIRO. A nine-member board.

Mr. PHILLIPS. At sometime you assumed the presidency of that board?

Mrs. SHAPIRO. Yes, the last year.

Mr. PHILLIPS. So, in 1969 you were president of the board of education here in New York?

Mrs. SHAPIRO. Right.

Mr. PHILLIPS. Can you tell the committee, essentially, what the board does in the city of New York?

Mrs. SHAPIRO. What it does?

It makes policy for the education program of the city of New York for all of the schools. It is a policymaking board. At the time I served, it was a nonpaid board. That has changed with decentralization and the new board that came in.

Mr. PHILLIPS. Did you also have an executive responsibility to determine whether or not these policies you did set were carried out?

Mrs. SHAPIRO. Well, it was our responsibility to see to it that the professional staff carried out the policies executed by the board.

Mr. PHILLIPS. And what did you do if the professional staff did not carry out these policies?

Mrs. SHAPIRO. It depended entirely on the nature of the situation. They were called in, the issues were discussed, and we expected our policies would be carried out.

Mr. PHILLIPS. The period of 1963 until 1969, did the board of education discuss the drugs in the schools?

Mrs. SHAPIRO. There was very little discussion of the drug problem at that time. For myself, I do not mean that the other board members were not interested, but a number of parents came to see me in about 1964 or 1965, and they complained about the problems of drugs in the schools.

They told me that there were pushers, that the students were buying drugs, that there were large numbers of young people who were addicted, and they wanted something done about it.

I sent a memo at that time to the then superintendent of schools and asked for a report. I was deeply concerned about the problem.

Mr. PHILLIPS. Do you have a copy of that memo with you?

Mrs. SHAPIRO. I do not have a copy of the memo. I went through my files, and I regret that the files——

Mr. PHILLIPS. Was that 1965 or 1969?

Mrs. SHAPIRO. No. That was about 1964 or 1965. In that period.

Mr. PHILLIPS. We will ask the board to get it.

Mrs. SHAPIRO. If they have it. I have asked for it, and I have not been able to get it.

Mr. PHILLIPS. You sent the memorandum to the superindendent of schools?

Mrs. SHAPIRO. I sent the memorandum asking for a report, based on the parents' allegations, and I got a report back from the superintendent assuring me that everything was under control, that the school authorities were aware of the problem, were dealing with the problem, that the police department was aware of the problem and dealing with the problem.

Now, you might well ask why I didn't pursue it.

I do want to tell you that I did not have time to pursue it. The pressures on the board were very great for various structural changes. Those of you who know something about the history of the board of education during those stormy days know that it was almost impossible for the board to deal with anything but the immediate pressures. And that is why I did not pursue it.

But when I stepped down from the board—not willingly—I decided that this was going to be an area that I would pursue myself. I did talk with the Governor about it, and he was very anxious that I work in this area and at that time he appointed me his special assistant.

Mr. PHILLIPS. Mrs. Shapiro, is it fair to say, from 1963 to 1969, the board of education had no policy or program in relation to drug sales in the schools?

Mrs. SHAPIRO. No, there was no policy. There were programs, generally, in the health committee of the professional staff, the division of health, and there were lectures, and there was material; but there was nothing that really came to grips with the problem. I do not think that any of us recognized how serious the problems were in those days, because, you remember, it was not until 1966 when the Haight-Asbury situation broke.

Mr. PHILLIPS. What troubles me, Mrs. Shapiro, is that we have heard testimony from the medical examiner's office about deaths in 1965, deaths in 1966, deaths in 1967, all through 1969, where school students were dying of overdoses. Apparently, some of these took place in the schools. Children who did not die of overdoses in the schools were taken to hospitals. What I think the committee finds absolutely astonishing is that up until 1969 the board of education had never formulated any policy in relation to this.

Mrs. SHAPIRO. I agree with you. I am appalled myself as I look back. But, as I said to you earlier, the pressures were so strong for structural changes—and you may remember the community control, the decentralization and integration—and all these problems came before the board with community pressures. And where you are sitting now with large groups of people from all over the city of New York pressing for structural changes.

The community itself did not bring these problems before us. Oh, I am not apologizing for it; I am not apologizing for it.

Mr. **Rangel**. Mrs. Shapiro, are you saying the communities which were festered with drug addiction did not bring these problems to the board of education?

Mrs. **Shapiro**. No, sir. There is nothing in the records I have; there is no communication I have, except as I just related. When groups of parents began to come to see me, I did ask for a report from the then superintendent of schools and was told that everything was under control.

Mr. **Rangel**. You are talking of 1964?

Mrs. **Shapiro**. 1964 or 1965.

Mr. **Rangel**. And there were no community groups that came to the board of education?

Mrs. **Shapiro**. No, sir.

Mr. **Rangel**. Groups asking for some type of relief?

Mrs. **Shapiro**. If they came to the superintendent it was not released to us, but they did not come before the board of education. I have no such recollection.

Mr. **Phillips**. Mrs. Shapiro, you say that the superintendent of schools did not report to you if any of these matters did take place?

Mrs. **Shapiro**. No, sir.

Mr. **Phillips**. Would you say the school officials, themselves, were not keeping the board fully apprised of what was happening in the schools?

Mrs. **Shapiro**. That may very well be. But it was the board's responsibility to ask questions. And, again, I say that this problem was not presented to us as an urgent and immediate problem.

Mr. **Phillips**. And no program was ever suggested by the staff to try to change or at least have some immediate impact on the problem?

Mrs. **Shapiro**. There was nothing brought to the board to that effect.

Mr. **Phillips**. One of the issues that came up this morning—I am sure you remember, Mrs. Shapiro—is that it appears to the people looking at this from the outside that the board of education has not shouldered its responsibility in this area and is not responsive to the people in this city who want something done about drug addiction.

What would your comments be about the organization of the board? Should it be changed?

Mrs. **Shapiro**. You mean there should be a different kind of board?

Mr. **Phillips**. What is your comment?

Mrs. **Shapiro**. In the last 10 years we have had four or five different kinds of boards and four or five different superintendents and I do not believe structural changes are going to be the answer to this problem.

I know Congressman Brasco raised the question this morning of whether an elected board would be better than an appointed board.

Well, we have elected community boards and I am not quite sure how effective they are. Where you have an elected board on the top level, studies have been made where some elected boards do well and some appointed boards do well. I do not think that the structural changes are going to have any impact on the education of the children in our city.

I think we are going to have to come to terms with picking people who have some concern for children, who care about children and are less involved with politics than they are with children; then, perhaps, one day, we will have a good education system.

Mr. **Phillips.** We have various criticisms that the board, the professional people—I do not know if that is the professional management of the board of education—are not responsive to the objectives or the desires of the community in areas, like drug addiction.

Would you care to comment on that?

Mrs. **Shapiro.** I am not quite sure I know what you mean when you say "the community." I do not know which community you are talking about and who is making these accusations. Since I am no longer a member of the board, I do not have to protect the board, nor do I have to protect the staff. So, I can speak quite freely about my own observations, my visits to the schools, what I know about the drug problem, and how I think it should be handled.

Mr. **Phillips.** You say we need new personnel. Apparently, the personnel we now have is not adequate?

Mrs. **Shapiro.** I wasn't talking about professional staff; I was talking about appointments on the top level. I was talking about, rather, the board of education and the community boards of education. We were talking about whether an appointed board or an elected board makes for a better board.

Mr. **Brasco.** Mrs. Shapiro, I asked that question this morning.

Mrs. **Shapiro.** I know you did.

Mr. **Brasco.** And it was an effort to find what we might deem to be a better way of handling the problems in our schools.

Let me ask you this: I have been trying to find out, for the last day and a half, what the board of education's policy is with respect to drug abuse in the schools?

What is your opinion as to what their policy is?

Mrs. **Shapiro.** I do not know that the board has a policy, unless it has adopted one within recent months.

Mr. **Brasco.** Maybe within the last 5 days.

Mrs. **Shapiro.** I had written to the board, to the president of the board, on February 3, 1971—and if I may read the letter into the record—if you want to bear with me. It is a short letter.

Mr. **Brasco.** Yes.

Mrs. **Shapiro.** It reads:

> Dear Mr. President: You may know I have been visiting schools this past year in an effort to find programs that are effective in educating our children and youth to the danger of drug abuse. I have found some that seem promising, but, despite the efforts on the part of many of your staff, the problem persists.
>
> While I am in agreement that money is essential and that drug specialists in the schools would be helpful, I am sure you will agree that every teacher has a responsibility to inform himself on this subject so that he can be of help to his students.
>
> In order to stimulate the professional staff to meet this responsibility, strong leadership by the top echelon is essential. I am therefore taking the liberty of submitting to you a proposed policy statement which while limited in its impact, will still be useful in getting more effective action from all personnel in the system.

This is the policy the board makes. This is what I hoped they had:

> The board of education has a basic responsibility, insofar as it is within its power, to see that every child is provided with the tools and resources for maximum learning. This includes a concern for health, a decent and adequate diet, rest, recreation, clothing, and the like. Drug use and abuse plays a vital role

in the health and welfare of the child. As a consequence, the board affirms its complete support for an unlimited range of activities designed to present, curb, and devise the necessary treatment for this plague.

Such a policy statement is, of course, no substitute for an effective program, but it would encourage the professional staff to broaden its horizon by informing itself on all aspects of the drug problem.

Now, what should this mean. It could mean every teacher, beginning with the early grades, must take advantage of the new training program now being presented by city and State agencies and, to some extent, by the board of education, itself.

The purpose of this program is to help the teacher understand the symptoms of drug abuse and the conditions which frequently lead young people into drug habits. It necessitates counseling of an individual and small groups of students in the resources available for treatment. The teacher's, together with principals and curriculum specialists, would also be encouraged by this strong policy decision of the board, to build into every phase of the educational process an awareness of the dangers of the misuse of drugs. If I can be of any assistance to you in your effort to deal with this tragic problem, please be assured I shall be pleased to cooperate.

That was dated February 3, 1971, and I still have no response.

Mr. PHILLIPS. You say things have not changed on the board since you were there?

Mrs. SHAPIRO. You mean on the top level?

I am not party to their deliberations so I can't testify to that. I can testify only to what I see in the schools, the programs I am familiar with and what is going on.

Mr. BRASCO. What do you see in these schools concerning the programs you are familiar with.

Are they effective?

Mrs. SHAPIRO. Some of them are very effective. You know, it is very difficult to measure success. The thing that troubles me is that the problem is growing.

Mr. BRASCO. That would be a very good indication of failure; not a measure of success.

Mrs. SHAPIRO. If you are going to hold the schools alone responsible for the social dilemma, then it is a failure. But you can't hold the schools alone—and I am not protecting the schools or defending the schools; I have no reason to. But what I am saying to you is: This is a problem that is a reflection of the complete breakdown in our whole social structure, and it goes not only for drugs but for pregnancy, venereal disease, and some of the other problems.

Mr. BRASCO. I agree, and accept that maybe I am wrong and maybe I am being too simplistic in my approach. We had Burton Roberts here.

Mrs. SHAPIRO. Yes, I heard him.

Mr. BRASCO. And he indicated something which I firmly believe. That the teacher is the logical extension of the parents. Under the mandate of law, children must go to school. Actually, not withstanding what people say, they have very little to do with the curriculum and/or education or selection of teachers. It seems to me the very least they should be able to demand and get is: That the children are being educated in an atmosphere that is conducive to education and an atmosphere that is reasonably safe, and an atmosphere that does not expose children to the contagious disease known as drug abuse.

It seems to me the testimony we had, plus my own experiences both in the courtroom and as a public official, leads me to believe the basic situation that we are confronted with is with respect to drug abuse and related problems of violence and the school administrator and the board of education is saying everything is rosy.

So, if you speak to the teacher, they refer you to the principal; you speak to the principal, he refers you to the board of education; and when you speak to the board of education, they refer you to heck.

We have witness after witness testify as to the lack of cooperation, both police workers, district attorneys, and State investigation commissions, health commissions. As a matter of fact, it has even come to our attention that under the mandate of law, where, under the public health code, the number of addicts are supposed to be reported, they refuse to obey that.

There is something drastically wrong there, and there is nothing in terms of a policy statement, unless it is followed up by some action, that will give some strength to the teacher who is the guy on the firing line and the gal on the firing line, to begin to work with this problem.

And the board of education, as far as I am concerned, is just derelict in its duty. I think they ought to resign.

Mrs. Shapiro. I agree with you. Thank heavens, I am not a member of the board of education, and I do not have to sit here and defend that kind of situation. I am not a member of the board of education. I think the situation is very serious. It is growing worse. The figures indicate the number of deaths that have taken place, indicate the situation is worse. Not only is it growing worse but it is seeping down to the early grades.

I am not questioning that. Things must be done. I started with the top level. And what I am saying to the board is that they must have a firm, strict policy with expections from the schools. If the boss does not do it, the people who are his subordinates are going to sit back and not do it.

I said to you earlier that in some schools there are excellent programs. It depends entirely on the kind of supervision there is. It depends entirely on the kind of program that has been implemented. But, again, I do not know how to measure success. Despite the fact that some programs are good, we still have a situation that is growing worse, which indicates to me—and, again, I am not supporting this——

Mr. Brasco. It seems to me—and that is why I was recommending the board be elected rather than appointed—it might be a point of applying pressure. It seems to me they have to make some determination of what is to be done. They ought to be cooperating with the public when they know they are saturated with addicts in the schools. They ought to be able to identify those who are drug abusers. We know there is no sure cure; the rate of cures is less than 1 percent. It is my contention we ought to think of separate institutions of treatment and learning.

We ought to do something about it and not allow the problem to get worse.

Mr. Sandman. Will the gentleman yield?

To follow up the question Congressman Brasco talked about when he talked about the district attorney in the Bronx who impressed upon all of us—I know he impressed me. He is my kind of law enforcer. I think he would be everybody's kind in sharp contrast to another district attorney we heard from today.

Mrs. Shapiro. No comment.

Mr. SANDMAN. Anyway, he said that he thought the schoolteacher had an obligation, where there was a suspicion that drug abuse was being practiced by a particular student, that the schoolteacher had an obligation to report it.

Do you believe that?

Mrs. SHAPIRO. Oh, I think that the schoolteacher must certainly have an obligation to report it, but I think that the teacher's responsibility should be to the head of the school. I do not think that the teacher should go out to the police department. I think the principal of the school has the responsibility for the overall management of the school. The teacher should report to him. What he does with it is his responsibility.

Mr. SANDMAN. Now, we get to the next question.

Suppose neither the teacher nor the principal react in that fashion. Would you, as a member of the city board of education, vote to suspend or remove that kind of teacher, or that kind of principal?

Mrs. SHAPIRO. I would, after a very careful investigation and discussion of the problem.

Mr. SANDMAN. Only if proven?

Mrs. SHAPIRO. But remember this: If a board had a policy that said this must happen, then, naturally, they could bring this principal up on charges.

But when the board does not have a policy itself, you see how difficult it is to deal with its subordinates.

Mr. SANDMAN. You are in line with the thinking of the district attorney from the Bronx, and he said that the schoolteacher is more or less the custodian of people.

Mrs. SHAPIRO. Right.

Mr. SANDMAN. That parents have a right to look to and believe that person is going to look after those children with moral responsibility, not just teaching them their ABC's.

Mrs. SHAPIRO. Exactly.

Mr. SANDMAN. You agree with that?

Mrs. SHAPIRO. I do. I have met with Mr. Roberts many times. We have had long discussions about the problem and we are pretty much in agreement on what needs to be done.

Mr. SANDMAN. Thank you.

Mrs. SHAPIRO. May I comment on one thing Mr. Roberts said this morning?

He talked in terms of having separate schools for abusers, or addicts and abusers. He talked about two kinds of schools.

I think the problem there is—and the reason it is not being done, apart from the financial aspect of it—I think it is time that the board of health would think in terms of indicating that this is an epidemic. We all talk in terms of this being an epidemic. It would seem to me the board of health would now call this a contagious disease, a communicable disease, rather than just a reportable one. And if this were declared a contagious disease it would be easier to remove the kids who are addicts from the classroom, as the district attorney indicated today.

I think this needs to be done, and I would hope that someone would make an effort to find out why the department of health does not do this.

Mr. Sandman. In regard to the health doctors, you heard testimony about so many cases not even being reported in the school system.

Mrs. Shapiro. Right.

Mr. Sandman. As a member of the city's board of education, if you were in that district who did not report any of these cases, would you, as a member of that board, vote to suspend or remove that doctor upon good proof that he did not report those cases?

Mrs. Shapiro. You were saying if I were a member of the board of health?

Mr. Sandman. No, a member of the board of education.

Mrs. Shapiro. The board of education I do not think has any jurisdiction over a doctor.

Are you talking about a doctor who would be a part of a board of education?

Mr. Sandman. Right. Don't you have any of those in New York?

Mrs. Shapiro. No. That is the department of health.

The department of health puts nurses and doctors into the schools.

Mr. Sandman. Let me frame it another way:

Do you believe such a doctor who did not report any of these cases should be suspended or removed?

Mrs. Shapiro. It depends on the reasons why he is not doing it.

Mr. Sandman. How can he have reasons?

The law says he must report it.

Mrs. Shapiro. If there is a law that says he must, then he should report it. And if he does not report it, he is guilty of breaking the law.

Mr. Sandman. I have no further questions.

Mr. Rangel. Mrs. Shapiro, I have a problem.

I heard you join in with Congressman Brasco in believing we ought to get rid of this board and do something to have the board relate to the drug epidemic.

Mrs. Shapiro. I do not think I said that. I said that I did not think structural changes made very much difference whether it is this board or another board.

Mr. Rangel. My problem is this: You were on the board from 1963 to 1969?

Mrs. Shapiro. Right.

Mr. Rangel. Many of the statutes, the laws, that requires the reporting that Congressman Sandman referred to were the law then, and the board had no policy then. There was no real program. If you say there was nothing from the community, it did not emanate from the department of health operating within the public school system, it did not emanate from the teachers, it did not emanate from the United Federation of Teachers, and, so there you were, right there on top. So taking that as a background, we have to say that whatever new board we have is riding the crest of an epidemic which was allowed to grow during the last 10 years.

Mrs. Shapiro. I could not disagree with you. I am not disagreeing with you. All I said, in explanation, was that the pressures on the board on which I served were so great—and you know it as well as anyone, Congressman Rangel—that the pressures for structural changes were such we had very little time to do much about education.

Mr. Rangel. But Congressman Sandman was asking questions concerning the physician as relates to the department of health.

And it is obvious that what we are talking about, basically, is not a congressional problem but is a moral problem, a professional problem, and we believe it is a very serious legal problem.

So, rather than rehash what should have been done, it seems to me that someone in the department of health is presently in violation of State laws and that the board of education is presently in volation of State laws. And I would ask you whether or not you are requesting the committee, rather than to suggest and revise policy, to join in enforcing the laws?

Mrs. SHAPIRO. I would be delighted to work with anyone who sees some way in which we are going to resolve this question. It is a very deep rooted one. I see these kids day in and day out. It is a heartbreaking experience.

Mr. RANGEL. But the doctor who is in charge of the health department testified yesterday that she can't get the doctors to report cases.

Mrs. SHAPIRO. That is her responsibility. I can't.

Mr. RANGEL. As an advisor to the Governor, I am asking you now, in your new programs, is it really just her responsibility, since the State also has the responsibility for education?

Mrs. SHAPIRO. I think that all of us have a tremendous responsibility to have a very hard look at what is happening in our cities today and seeing if we can't find some answers.

I assume the reason for this congressional hearing is to do just that, and I shall be delighted to help you in any way I can to solve this problem.

Mr. RANGEL. I am asking if in your role as advisor to the Governor, when this committee can report to you that we have testimony or clear violations of the law, can we hope that you would report these violations to the Governor?

Mrs. SHAPIRO. I would be more than delighted to cooperate. I am looking for ways in which I can do this, and I will be very happy.

Mr. BRASCO. Would my colleague yield?

There is something I do not understand.

What is the relationship between the State board of education——

Mrs. SHAPIRO. The State education department.

Mr. BRASCO. All right. Its relationship to the Board of Education of the city of New York?

Is there any working relationship?

Can one impose on the other and tell them what recommendations to make?

Mrs. SHAPIRO. Yes. There is no question. There was a close working relationship when we were there.

Mr. BRASCO. It is obvious that there has to be more than just a close working relationship.

What I am asking is, can the State department of education promulgate any rules or regulations and ask the New York City Board of Education to follow?

Mrs. SHAPIRO. Yes, and the board of regents has that responsibility.

Mr. BRASCO. OK. You heard Mr. Roberts' testimony about civil commitments, about point of cooperation, about the fact the teacher should be, and is, the logical extension of the parent.

Mrs. SHAPIRO. Right.

Mr. BRASCO. An extension of the parent anytime the child is at school, that the teacher should have the tools within his possession to deal with the problem.

Could you recommend that to the State department of education as a program, Mr. Roberts' program?

Mrs. SHAPIRO. Sure.

Mr. BRASCO. Would you do that?

Mrs. SHAPIRO. I would be very glad to.

Mr. BRASCO. Do you think now, as an opinion, they would be receptive to that kind of a program?

Mrs. SHAPIRO. I am sure the State is looking for answers the same as everyone is looking for answers.

You know, the problem I face—and I think many of us who are involved in this situation face—is that there is so much disagreement among the experts, whether they are legal experts or educational experts, as to what needs to be done.

Mr. BRASCO. I do not mean to be facetious, but the day is getting long and I suppose everyone is frustrated. I do not know how large this world is, but I guarantee that, if I put a couple of grocery clerks, salesmen, newspaper reporters and just John Doe citizen on the board they will know what to do; they understand that their kids are going to school and are afraid, that the teachers themselves are afraid to go to school; they will understand no one is learning in the schools, and they will do a very simple thing: They will just go in and take the problems out.

Mrs. SHAPIRO. They will take what problems out?

Mr. BRASCO. What problems? If student addicts are disrupting things at school, they will remove them from the schools. If it becomes a question of civil commitment, they will ask the employees to file civil commitments.

Mrs. SHAPIRO. I think these hearings, instead of having me and other people, professionals, who are involved with this, that you should bring in the people off the street and talk to them, take their advice.

Mr. BRASCO. The problem is they pay other people to do the job that is not being done. They would like to get a crack at doing it.

Mrs. SHAPIRO. I think they should be involved. I think the whole purpose of decentralization was to involve the people. I am all for involvement; bring them in. They are parents. I think the problem is the parents have not been listened to over the years.

Mr. BRASCO. This is what I was saying.

Mrs. SHAPIRO. I was president of the United Parents Association for a number of years. I know what the problems are. I know how parents were kept out of the schools. We were not permitted to make decisions.

So, if you want to bring in the parents and let them say what needs to be done, I think that is what you need to do.

Mr. BRASCO. Yes.

Mr. MANN. Why are we getting more action from the locally elected school boards?

Mrs. SHAPIRO. What? I am sorry.

Mr. MANN. What are the locally elected school boards for?

Mrs. SHAPIRO. What are they for?

The elected school board's responsibility is to make policy on the local level—on the district level, I should say.

Mr. Mann. How many local district school boards are there in New York City?

Mrs. Shapiro. Thirty-one.

Mr. Mann. Do they lack leadership in all 31?

Mrs. Shapiro. Some are good; some are not so good. The same as Congressmen. Some are good and some not so good.

Mr. Mann. What good is any of them doing?

What good are they, the school boards, in the drug area?

Mrs. Shapiro. What good is being accomplished?

Again, it depends upon the leadership in the area.

It depends upon the relationship of the community board to the professional staff. I do not have a staff myself, so it is a little difficult for me to go around and see what each one is doing.

But I know some are better than others.

It depends entirely on the kind of leadership you have.

Now, you have problems within the community school boards themselves where there is disagreement among the members, and some of the community people are disenchanted with some and some of the community boards are disenchanted with the people. But these are human frailties and part of our political way of life, and these are the problems we must transcend.

Mr. Mann. Have any of these local school boards called upon the city board to fill any needed policy areas?

Mrs. Shapiro. I don't know what the situation is now since I am not a member of the central board, and I do not know what the relationship is between the community board and the board of education—the central board of education.

Mr. Mann. How about the parents' groups?

Mrs. Shapiro. I think the board of education will testify to the fact that that they are constantly being badgered, which is what they are there for. There is no question but what the community should have complete entree to the board and make its requests and have an opportunity to make their requests and make their feelings known. This is the democratic way of life, and I would hope it would be strengthened.

Mr. Mann. There has been some evidence and I was hoping parent groups or those who desire to protect the reputation of their schools from being tarnished by drug charges would get involved. Is this the kind of parent leadership we have around here?

Mrs. Shapiro. I do not think I understand your question, sir.

Mr. Mann. We had reports when a good job was done by law enforcement in the school and the drug charges were made that the more outspoken parents' group in that school raised a little cain to surpress it.

Mrs. Shapiro. I think I understood what Mr. Roberts was saying, because we discussed that many times. There are a few people in the community that set themselves up as representatives of the community. They flex their muscles and they make themselves heard, and everyone runs scared. The average parent who has a child in the school is very anxious that that child learn, that that child be given a good education, and that that child becomes something, somebody.

Mr. **Mann**. When were the locally elected school boards established?

Mrs. **Shapiro**. Three years ago.

Mr. **Mann**. Has there been any improvement in the drug program in the districts as a result of those local elected boards?

Mrs. **Shapiro**. I can't answer that because I have not been around all of them. All I know, as I said to you earlier, is I think, the situation is worse. It has nothing to do with whether the school boards have a good program or a bad program. This is a serious problem that is growing worse, and I am not sure that programs in and of themselves are going to resolve this one.

You see, you are putting a great responsibility on the schools alone. Of course, the schools have a responsibility. They are custodians of the children, of all of our children, and they must take a greater responsibility and must do a better job.

But if you expect that the schools alone are going to resolve this problem you are going to be very disappointed. Society, as a whole, has a great responsibility, and that goes for the community, and that goes for the churches, and that goes for our political leaders, and for society generally. And unless all of us put our shoulder to the wheel, we are not going to resolve this problem.

And it has nothing to do with money, because I have watched money go down the drain.

You talked this morning about funding, and I listened very carefully when you were talking about funding.

I would hope one day it might be possible to stop earmarking certain moneys for particular things, because, when that happens, the result is that everybody is coming up with a program to fit the amount of money you are supplying, and they say "We have the answer; we know exactly what to do."

Then, if they have political muscle, believe me, they get it. And so much is going down the drain.

Chairman **Pepper**. Mr. Rangel.

Mr. **Rangel**. We have to view the board of education, the police department, and the department of health.

Can you tell me what, if anything, during the last 10 years, the United Federation of Teachers has done in connection with the drug problem, especially in connection with legislative measures?

Mrs. **Shapiro**. I do not think I could answer that completely. That is a question that should be directed to them. I have worked with them quite closely since I have been appointed. When I was on the board of education I had problems with the union. But when I got off——

Mr. **Rangel**. I notice you have less of a problem since you left the board.

Mrs. **Shapiro**. Exactly, much less. Because I held the purse strings, and they wanted it. But I am talking facetiously.

Mr. **Rangel**. But you do recognize it is a very powerful organization?

Mrs. **Shapiro**. A very powerful organization that has tremendous muscle. I have worked closely with them in setting up their programs. I know many of their teachers are doing very good jobs in many of the schools, but, again, I do not know how to measure success.

Chairman **Pepper**. Mrs. Shapiro, is it fair to say that (1) the school board and the school authorities are more aware of the magnitude of it;

(2) the interests, schools or parents, are the children; (3) the difficulties of dealing with progress in the schools; (4) perhaps most importantly, the authorities hardly know what to do and nobody has yet developed any effective method of treatment and rehabilitation; and (5) they did not have the program, they did not have the money to carry it out? Would you say that perhaps the two priorities in the area should be to develop through Federal, State, and local cooperation a program designed by the educational and medical authorities that will be the most objective that we know, to deal with the problem, and then funding by several Federal, local, and State agencies to make possible that program, including the division of personnel facility, and whatever else would be necessary?

Mrs. SHAPIRO. I think that is what the Governor's hope is. Mr. Beame asked this morning for some kind of coordinated effort. I think this is very important. I find that everyone is going out in another direction. This is very confusing. Not only to the parents and to the teachers, but to the children. And it is not only confusing from the point of view of organization, but how one group feels about marihuana and another group feels about marihuana and what needs to be done. Whether methadone is the answer.

Chairman PEPPER. As a matter of fact, there are those entitled to Federal programs, the addicts and the matter of drug addiction among the students in the school?

Mrs. SHAPIRO. Not that I know of.

Chairman PEPPER. One of the things that is so vivid to this committee—this is the first of our hearings on this subject, but there will be others in other parts of the country—is how little is being done. How shockingly little is being done in this field.

Governor Rockefeller has been one of the leaders in this country in trying to do something about the drug problem. We hope he can put together a Federal, State, and local program that will enable the appropriate authority to do something effective about this program.

Mrs. SHAPIRO. I am sure he will be very happy to hear this.

Mr. KEATING. No questions.

Chairman PEPPER. Well, thank you very much, Mrs. Shapiro, for your testimony.

Mrs. SHAPIRO. I really did not want to come. But I was expecting to be subpenaed so I decided to come on my own.

Chairman PEPPER. Thank you.

(The following statement was received from Mrs. Shapiro:)

STATEMENT OF ROSE SHAPIRO RE THE NEW YORK CITY BOARD OF EDUCATION'S RESPONSIBILITY IN THE PRESENT DRUG EPIDEMIC

I should like to begin my statement today by pointing out that the problem of drug abuse in our schools is not a new one to me. Some six years ago, as a member of the New York City Board of Education, a group of parents complained to me about the growth of drug abuse and the availability of dangerous drugs in and around the schools. I asked the then superintendent for an investigation and was told that the problem was well under control. At that same time I asked that something be done about the alarming rise in pregnancies among the teen-age girls and the spread of venereal disease. I found that pregnancies increased 100% in five years among middle class as well as among those in our economically deprived areas. All of this, to my mind, reflects a serious breakdown in our social structure. Unless we arrest this deterioration we shall be doing little except applying band aids to festering sores.

The last six years have been a tremendous growth in the incidence of drug abuse in our city schools. A recent study made by the Board of Education's own research division estimated there were some 35,000 known heroin users in the secondary schools. Although this figure was disputed by some members of the board. I feel that it was not exaggerated. Despite this deplorable situation, there is still no firm statement of policy on the part of the New York City Board of Education on drug abuse in the schools. I happen to think such a statement which need not be lengthy nor profound, would be helpful. It might run as follows: "The Board of Education has a basic responsibility insofar as it is within its power, to see that every child is provided with the tools and resources for maximum learning. This includes a concern for health, a decent and adequate diet, rest, recreation, clothing and the like. Drug use and abuse plays a vital role in the health and welfare of the child and as a consequence, the board affirms its complete support for an unlimited range of activities designed to prevent, curb and devise the necessary treatment for this plague."

Such a policy statement is, of course, no substitute for an effective program, but it would encourage the professional staff to broaden its horizons by informing itself on all aspects of the drug problem. What should this mean? It should mean that every teacher beginning with the early grades must take advantage of the new training programs now being presented by city and state agencies—and to some extent by the Board of Education itself. The purpose of this program is to help a teacher understand the symptoms of drug abuse, the conditions which frequently lead young people into drug habits, techniques of counseling with individual and small groups of students and the resources available for treatment. The teachers, together with principals, and curriculum specialists would also be encouraged by this strong policy decision of the board to build into every phase of the educational process an awareness of the dangers of the misuse of drugs.

At this point I would warn against the one-time approach for I have seen all too many assembly programs with so-called experts expound, perhaps effectively, on this problem. However, with no follow-up, the impact is lost. The danger of this approach is that too often the school personnel feel that they have done all that was necessary in meeting their responsibility. The board's policy statement must be so firm in what it expects from the staff that no teacher or supervisor can mistake simplistic approaches for in-depth education.

There is a tendency today to shift central responsibility to the community boards holding them accountable for developing effective programs in an effort to curb the growth of drug usage. However, as long as a central board exists, broad policy decisions which would give direction to the community school boards as well as to the professional staff are essential.

Beyond this, there is a need in any large system for a coordinating body that will identify good programs and effective practices in any school or district and bring them to citywide attention. Such an agency needs representatives from the professional staff of the schools, from state and city agencies concerned with the drug problem as well as representatives from parent and community groups. This is the watchdog approach essential to keep the school staff alert and involved.

I would be remiss if I left the impression that the schools alone can resolve this baffling problem. The fact that there is an organization such as ministers against narcotics is an indication that you recognize that we are faced with an epidemic that cuts across the entire community. Churches, social agencies, health groups, medical professions, hospitals, clinics, industry and all public officials have a continuing role to play and we need to be constantly reminded of this fact. Let me cite an example of industry's concern with the problem: The New York Chamber of Commerce in a recent study "drug abuse as a business problem," concluded that drug abuse in the business world has increased to a startling extent and has become an ominously growing problem. Turnover due to the release of addicted employees cost one firm $75,000 in just one year. Other losses included absenteeism, poor work performances, and higher insurance rates, recent reports from the military indicate that marijuana and other drug use among U.S. troops in Vietnam has reached appalling proportions. A former marine sergeant testified that on his first combat tour of 20 months he had not seen any troops using drugs. However, when he returned in 1968 he found that marijuana was everywhere. He saw his men smoking pot to the extent that they "could not do their jobs . . . they were useless." Today no one is unaffected by this plaque—least of all, the schools.

Let's then get back to the schools. As a member of the board of education, I made it a practice to visit the schools as often as possible so that I would have firsthand knowledge of how they were functioning. I am continuing that practice. Here are some of the things I have observed during recent visits. A peer leadership program now operating to a greater or less degree in 6 high schools is one of the better programs. This, as some of you know, involves students in a host of activities designed to deglamorize drug use and to make known to other students in realistic ways the consequences of getting involved in the drug culture. Materials and bulletins designed to guide the teacher or help the student are being provided in increasing volume by the school system. Teachers are being provided to some of the addiction facilities and centers. A number of teacher training programs are being made available.

Here I would add that these other approaches used by the board may be good as far as they go but hardly a start in dealing with this overwhelming problem. In addition to amplifying these programs until they reach all junior, senior high schools and their staffs, a number of others must be pursued rapidly. There should be a drug consultant or specialist in every secondary school. This does not necessarily need to await additional funding, for any interested and well informed teacher can undertake such an assignment.

Perhaps the unfortunate development of drug abuse can have some positive results in compelling schools to make their curriculum more relevant to society's needs. The school that I visited recently in Queens did a demonstration project incorporating aspects of the drug program into every subject area. A math class, for example, examined annual costs of supporting a drug habit, a language arts class studied the nomenclature of drugs together with their content and effects. A social studies class discussed drug abuse and its impact on society.

Although there is a need for a strong policy statement on the part of the board of education and a need for an organized approach within the school system, plus the various activities just discussed, there is still no substitute for a good teacher. A good teacher is one who makes things happen in the classroom rather than waits for them to happen. A good teacher develops a rapport with the student so as to earn that student's respect. A good teacher is one who has a genuine concern for the welfare of the child and in this context is willing to devote time over and above contractual requirements to helping the student or working with his parents as well as with the community in grappling with the drug problem.

A number of teachers are already giving extra hours to this end but it requires the dedication of the entire school staff. It is to easy to put the complete responsibility for this and other social problems on the teacher, but no teacher can be successful without the support of his supervisors, the board of education and the community.

With adolescent drug abuse becoming more and more widespread, the role of the teacher takes on added significance. Teachers must be well informed about drugs. They must understand that many youngsters think of drugs simply as another sensation to be experienced. A trusting teacher can show them that drugs are a dangerous escape from reality and even physical and psychologically harmful. This means that the teacher must know about the physical effect of drugs, their legitimate medical uses, their properties, both good and bad, the supervisor, too, is expected to assume a new responsibility in this area if he is to provide leadership to his staff. For drug abuse today is everybody's problem. It cuts across all segments of the school system, the community and the government. A knowledgeable principal will encourage his teachers to discover the underlying reasons for drug use and deal with them to the extent possible. He can also help his teachers understand that the scare approach doesn't work and new and imaginative methods must be found. Students must have the facts and it is better to have them from the school than from the street corner where the emphasis is on the thrill aspects.

Since parent cooperation is essential the school has an added responsibility of helping parents educate themselves in this area. Too many parents are uninformed; many of those who are informed don't know how to cope with the problem. I have heard parents say, "yes, we know our son or daughter is on drugs, but we don't know what to do." Some parents are reluctant to seek help from a sense of shame and guilt which immobilizes them to such an extent that they fail to avail themselves of their community or school resources. I understand their agony but they must be made to recognize and face up to the problem.

Every parent of school-age children should know as much about drugs as possible; what they are; how they are used; their effect; the dangers involved in their use; and some of the slang associated with them. There are ample materials around to help develop greater understanding of this menace in our midst.

Unfortunately, there are still schools that are ignoring the problem but the problem can no longer be swept under the rug: there is far too much at stake.

Just the other day the head of a parents group called me to ask for assistance with a principal who refused to recognize that a problem existed. It was difficult for me to believe that this ostrich-like attitude still exists. On the other hand, I have had requests from district superintendents as well as from teachers and principals for assistance in organizing their communities to deal with the problem, our communities can also be ostriches. As I stated earlier, all of us have a stake in this problem and must put our energies to work to resolve it. But the schools have a particular responsibility and we look to them for leadership and guidance.

In a few weeks it will be 1 year since the Governor appointed me as his special assistant for narcotics education. When I agreed to accept this appointment I recognized that there were no simple answers and I told the Governor that only a sense of deep indignation on the part of the public can in any way help transcend the problem.

We have yet to develop that deep sense of indignation.

Mr. PHILLIPS. The next witness is Dr. Shapiro.

STATEMENT OF DR. ELLIOTT SHAPIRO, COMMUNITY SUPERINTENDENT, COMMUNITY SCHOOL DISTRICT NO. 2, MANHATTAN, N.Y.; ACCOMPANIED BY SELMA WEST, DRUG COORDINATOR

Mr. HAFETZ. Would you state your full name?

Dr. SHAPIRO. Yes; I would be glad to.

May I note that Mrs. West, our narcotic coordinator for district No. 2, is present?

Mr. HAFETZ. The one sitting with you?

Dr. SHAPIRO. Yes.

Mrs. WEST. The lady sitting with him.

Dr. SHAPIRO. My name is Elliott Shapiro. I am community superintendent on leave of absence from community district No. 2. I reside in Manhattan. My address is 370 First Avenue, New York, N.Y.

Mr. HAFETZ. Would you tell the committee what district No. 2 is, what the jurisdiction is, and what your responsibilities are?

Dr. SHAPIRO. The geographical area is rather extensive. Although the school population is not larger than the average throughout the city, as a matter of fact, not larger than the Manhattan average, the school population is somewhat smaller than the average throughout the city. The district extends from the Lower East Side, roughly around Montgomery Street, Lower East Side, goes around the tip of Manhattan, through some of the East Side, through Chinatown, through Greenwich Village, through the Chelsea-Clinton area on the West Side, to Lincoln Center; and on the West Side it moves from 14th Street to what is called the Cooper-Stuyvesant Village area, Murray Hill area, the Yorkville area, up to about 96th Street.

Mr. HAFETZ. How many district superintendents serve in that capacity?

Dr. SHAPIRO. How many? Thirty-one.

Mr. HAFETZ. When did you become the district superintendent?

Dr. SHAPIRO. I became a district superintendent in 1967. I suppose it was September 1, 1967, according to contract. I was then district superintendent of district No. 3. When the city was redistricted for decentralization purposes, the districts were changed, particularly was district No. 3 changed, and, of course, district No. 2.

I am now superintendent of district No. 2 and called community superintendent.

Mr. Hafetz. Dr. Shapiro, when you took over as superintendent of district No. 2 in 1967——

Dr. Shapiro. District No. 3.

Mr. Hafetz. District No. 3 included high schools; is that correct?

Dr. Shapiro. Yes; it did. It included a number of high schools.

Mr. Hafetz. Would you describe for the committee what you, at that time, found to be the extent of the narcotic problem in the district, particularly in the high schools, illustrative of what you related to me previously?

Dr. Shapiro. While the problem differed from high school to high school, the extent of the problem was serious and widespread. However, it was much more intense in some schools than in others.

The school that was most badly affected was Hughes High School; but other schools were affected, too.

Some of these schools in addition to the Hughes High School, in the then district No. 3, were the Foods-Trades High School, Haaren High School—somewhat less than Hughes—Chelsea also somewhat less so, and the High School of Fashion Industry was beginning to be afflicted but not nearly so badly as the others. But the most serious affliction was Hughes High School—the Charles Evans Hughes High School.

Mr. Hafetz. When you took over as head of district No. 3, did you call a meeting at one point early in your tenure at Hughes High School to find out the extent of the problem?

Dr. Shapiro. Yes. When we discovered that a problem was in existence, and the problem at that point seemed to be especially epidemic in Hughes High School, we talked with the entire staff of the school. I discussed the importance of the staff's involvement with the community, not only the community around Hughes High School, but because Hughes High School was a high school that admitted youngsters from virtually the entire borough of Manhattan, it meant that we must become ingenious and creative in finding ways to communicate with parents who were separated by great distances from the school.

I should say that on the whole the staff did not seem to be cognizant of the extent of drug use in the school.

Mr. Hafetz. I recall a story you related to me when you questioned instances of heroin addiction the children had seen in the school.

Dr. Shapiro. That was a little later, after we had worked out funding for street workers at Hughes High School. I had been at this school a number of times, quite a few times, both within the school and the lobby of the school, around the school, walking up and down the staircases, in the streets, and so on.

A columnist had discovered the question of the drug use and interviewed me and had indicated in his column that the situation was very serious at Hughes High School.

One day while I was at Hughes High School, I was told that department chairmen of the school wanted me to come up to an emergency meeting, because they wanted to discuss with me my statements that I had given to that columnist.

When I came upstairs they said they felt I was giving the school a very bad name, that no problem existed, and the department chairman then said that among all of us, actually checking back for the past 16 years, we knew of only one case of drug abuse or drug addiction. I don't know what terminology they were using at that time; I do not recall. And I said that, actually, I could not understand this, because after I had come into the school and walked around the school, I had met a number of youngsters, for instance, who were graduated from the elementary school I had headed on West 133d Street, and I noticed there in the halls of the Hughes school that they were on drugs and that they showed it from various indications.

And walking over to one of these youngsters who seemed to be the most strung out there in the hall, because our relationships were good, based on our relationships at the elementary school, I asked if he wouldn't mind—and apparently he did not mind too much—to pull up his sleeve on his arm, and his arm was pocked with needle marks from the injection, of course—the mainline use for the injection of heroin.

I had to say, then, to the department chairman, in regard to this, that it passed all bounds of imagination, that one could not understand how this could occur and that they could remain unknowing.

I should say, however, now, after I thought about that for a long period afterward, you know, with the experience I had—and I am sure Mrs. West had and continues to have in various places—the degree of insensitivity to this was extremely startling there at Hughes High School, and while this degree of insensitivity is most unusual, perhaps almost unique, insensitivity to the problem, however, is kind of generic in a sense that for a while until one proves it conclusively to members of a school, the problem is usually denied within the school, almost with a sense of loyalty to the school, or perhaps, actually, the problem is not seen until the problem reaches epidemic proportions.

If I may put it another way, for instance, in another school, a junior high school in our then district No. 3—now no longer in our district—it was contended that "This junior high school is absolutely clean, absolutely clean."

Now, because we had another group of street workers around in the school, because we had through Mrs. West other facilities, we had some feelings that the school while cleaner than most schools, was not absolutely clean, and we finally found there were, indeed, pushers in and around the school, that some youngsters, girls, were bringing in dope hidden in their hair and that, indeed, one of the persons who was on drug surveillance in the lobby of the school was, himself, a drug pusher.

But, again, I must say that the response of the teachers—in any case, moving away from the department chairman at Hughes, but on the whole the response from the teachers—indicated more ignorance about it than ill will.

Mr. HAFETZ. After you met with the chairman and he told you he had only one instance of drug abuse in the last 16 years, were you subsequently able to form some estimate as to the extent of drug use in Hughes High School?

Dr. SHAPIRO. My estimate varied, and I must say that my own estimate started out much lower than what I finally conceived to be the reality. At first I thought the estimate was somewhere in the order of about 10 percent, but it may be in the order of perhaps 20 percent. As I began to talk with the young people at Hughes and young people in the neighborhood who were trying to develop their own group—they had been users, and they were trying to square off and were trying to develop a kind of antinarcotics education.

In talking to them they indicated the amount was up to 90 percent at Hughes High School. When we were finally able to work with subsidized street workers at Hughes, together with street worker interns, we thought that figure was closer, a more realistic figure.

We had some feeling that perhaps 90 percent would be in the 11th and 12th grades, and somewhat smaller figures for the incoming youngsters. We were beginning to worry ourselves about the incoming youngsters. You see the school system, the high school system in New York City, really starts at the 10th grade, because the ninth grade is in the junior high school system. We were worrying ourselves about protecting the incoming youngsters, and we had a feeling if we protected the incoming youngsters for 2 or 3 years, we would not clear up entirely the situation but we would be reasonably effective.

Mr. HAFETZ. And that 90-percent estimate included marihuana?

Dr. SHAPIRO. I am talking about heroin. We are ignoring marihuana as a problem.

Mr. PHILLIPS. You say that 90 percent of the children at Charles Evans Hughes High School were using heroin.

Dr. SHAPIRO. At that period.

Dr. PHILLIPS. What period?

Dr. SHAPIRO. 1967 and 1968, sometime during the early part of 1968—I am just wondering when it was—the school year of 1968.

Mr. PHILLIPS. Mrs. Rose Shapiro testified in that period of time she was advised about the drug problem.

Dr. SHAPIRO. We were here when Mrs. Shapiro testified. We heard her with great interest.

Mr. PHILLIPS. Would you comment on that?

Dr. SHAPIRO. Well, I think what Mrs. Rose Shapiro was saying was actually that people belatedly recognized the drug problem. I would say I belatedly recognized the drug problem. And I would say, too, that we have to recognize the drug problem started a long time ago in New York City, and we have some indications it was into the teens of this century, 1919, for instance, somebody indicated there were 8,000 addicts in the city of New York; 1920, 50,000; and so on.

But someone I know, Harold Ellson—you may recognize the name—author of "Duke," "Tomboy," "The Golden Spike," and so on, worked in the psychiatric division of Bellevue, and I worked there sometime previous to his stay at Bellevue. He indicated to me that as far back as 1950 or 1951, that a change was developing in regard to the youngsters who were coming into the psychiatric division at Bellevue, that the change that was coming about seemed to indicate that the young people were moving away from what might be called the bopping gangs, kind of juvenile delinquency that was then and since a trademark of the gangs of the 1940's and earlier, 1930's, and so on. The youngsters were becoming more isolated; that is, isolated in the sense they were beginning to move into drugs.

I remember that very clearly because he was really the first one, as far as I know, in the whole city of New York or anywhere, who indicated a change was about to occur.

As it happened, I became a principal at the school at 257 West 133d Street for 12 years, from 1954 to 1966.

Mr. HAFETZ. Elementary?

Dr. SHAPIRO. Elementary school, up through the sixth grade.

We became aware of the increasing drug problem there, and we had a kind of informal arrangement with the police department that actually that drug problem, at least the adult pusher, had to be away from anywhere around the school. We recognized that there were certain places, I knew of some places, one outside, perhaps near 127th Street, where drug pushers met to make connections, that kind of thing, but under no circumstances should they be in any place near our school.

There was an understanding about that until finally a school was built on 127th Street. A new building was built. And the drug pushers were pushed off by the parents from around that corner. Suddenly, I saw one afternoon something like 150 drug pushers all facing in the direction from Eighth Avenue, facing toward Seventh Avenue, starting with a kind of waxy flexibility, looking for a connection, and all starting in the same direction, because, obviously, the connection was coming up 133d Street from Seventh Avenue to Eighth Avenue.

I called the police department. I said, "Well, it is too late today, but tomorrow I will have to make quite a fuss about it, if I saw these people in the neighborhood of the school."

That had occurred. I guess at this point this occurred in perhaps 1965 or 1966. Probably 1965. So, that is so far back. But in 1965, we, of course, had an indication that drug abuse had become very extensive.

If I may interject for a moment. It is almost a digression but I feel I must say this: I have a very, very strong feeling that if the poor people who went on drugs primarily because they had lost their hope about life—really, this is what it amounts to—they even lost their bopping aggressiveness, bopping gangs. This wasn't accomplishing anything, and there was an inertia, a kind of existence.

If one had to go on drugs, if the poor people who went on drugs in those years and up until now could somehow subsidize their habit by robbing from the other poor people, whether it would be Harlem poor, Bedford-Stuyvesant, south Bronx, or south Jamaica and would not come out of, as it were, their inner cities and rob from people who were not living in the inner city, we would ignore the drug problem completely.

I am saying, actually, the late and desultory nature of our involvement, the drug problem, whether from the courts or through congressional committees, is because you have come late on the scene, too. It has been a problem for a long, long time. The reason the drug problem is of some importance now is because the property rights and maybe the safety of people who are not poor, you see, is now an issue, I guess that this has become an important problem because the people and their property rights that are now being endangered and violated are not only the poor.

What I am suggesting at this point is that we look philosophically into ourselves, individually, and into our profession, whether it be the profession of education, or law, or of medicine, or politics, or whatever, we look into ourselves and ask ourselves, all of us, why did we come so late on the scene.

Mr. PHILLIPS. It seems to me that a legislator has the responsibility to legislate, and the reason a legislative committee or any committee of Congress gets into this is because the problem has become so gross and action has not been taken by local authorities. Conversely, the responsibility of an educator is to provide education, safety, and things for children, and he is there every day with the child in the school. He has been in that capacity through 1960—all through the 1960's—and this problem is growing.

You are probably right. A greater amount of attention has been focused on this problem since people outside of the ghetto communities are being affected by it. But I still do not see how the school officials can justify their inactivity for this period of 5 or 10 years, when they were confronted with the problem. They knew the kids were coming into class and not appearing in class. Is it helpful to try to blame somebody else for it?

Dr. SHAPIRO. May I explore with you, Mr. Phillips, whether we are in essential agreement or essential disagreement?

I am not entirely sure at this point.

I am in no way justifying our laxity; I am not justifying that at all. When I say "our," I meant tardiness as it were, for people in education. I can go over this if you wish in some depth. But I want to make the point in regard to drug abuse, or drug use, about the complexity. Again, I am not taking away any of our responsibility in talking about this, but I am saying, actually, drug abuse in the city of New York reached very high epidemic proportions a long time ago, and it reached epidemic proportions a long time ago because somehow or other it was hidden behind the ghetto walls. And, as long as it was hidden behind the ghetto walls, nobody cared. And I am saying that drug abuse has become extensive because of a kind of insensitivity. This insensitivity would include the legislators, too, because it was of epidemic proportions.

I would think at this point that, just as all of us have a responsibility for, in a sense, pushing certain problems under the rug, we are also pushing people under the rug. And when we push the people under the rug successfully, under the rugs of the ghettos, as it were, behind the walls of the ghettos, we were in some ways able to avoid the problems. Indeed, we probably did not know the problem existed.

And because that kind of mentality continued to exist, it may well be that we had that compartmentalization even within the schools. Of course, the chairman does not come into the classroom that much and the principals come in even less. They were also compartmentalized about the problem. But the problem is here. To some extent, actually, it may well be the drug users, those who so desperately need money in order to survive their habits, in some way it may well be considered a kind of vanguard in negotiating with the larger community to do something useful in regard to it.

Mr. HAFETZ. Dr. Shapiro, did you start bringing this problem to the attention of the board of education when you discovered the widespread extent of heroin in the high schools?

Dr. **Shapiro.** Yes; we did. In 1967, or somewhere around there—it may be 1967 or 1968, in that school year—I became a member of a committee of superintendents who were invited by the then superintendent, or acting superintendent, of schools to talk or discuss what our first needs, what were the important items to be placed on the agenda, and so on, for discussion, for action, and so on.

I recall clearly stating that I thought that was the first priority, that drug abuse was the first priority in the school and something must be done about it. I also made the same statement to the then called Association of Assistant Superintendents, and I stated then I thought drug abuse was our first priority.

Mr. **Hafetz.** The board of education never did so much as issue a circular on the drug problem within the first year or two?

Dr. **Shapiro.** The first circular that came out, to my knowledge—I will backtrack a little bit, first, if I may.

When I headed the psychiatric schools in Kings County Hospital in Brooklyn, we also became aware of the fact that the drug problem had begun to grow, and at that time I informed the board of education through the then Dr. O'Brien, who was head of the department of education called the division of child welfare and board of education. As a result of that they sent around a questionnaire to what was then called Schools for Socially Maladjusted Boys, but some girls were in the schools, asking what was the incidence of drug use within the schools, and also asking for recommendations.

I recalled filling this questionnaire out and sending it in, and that was about the last I heard. That was my first contact from the board of education, from the point of view of drug use.

Now, the circular that did come out, Special Circular No. 29.

Mr. **Hafetz.** When was that?

Dr. **Shapiro.** It was dated October 14, 1969.

Mr. **Hafetz.** Was that the first directive that the board ever issued?

Dr. **Shapiro.** That is the first I know.

I think Mrs. West is referring to the same circular, but about then——

Mr. **Hafetz.** I understand there are some special programs on drugs that have been instituted in the schools; is that correct?

Dr. **Shapiro.** Yes.

If I may, I have a feeling various schools and various districts have instituted, really—I followed Mrs. Shapiro. She wanted it made clear we are not relative, and I am indicating the same. But, in any case, the special programs had been developed, and I would like very much for Mrs. West to indicate some of the special programs in our district.

Mr. **Hafetz.** Let me ask you this about the special programs before we describe them. Are they State funded?

Dr. **Shapiro.** They are State funded programs; that is, one of the programs. It is a very serious problem. This funding is funding that is not consistent. I do not think it is entirely substantial, and certainly it is not enduring. From year to year or almost month to month we are kind of worried about whether the funding is going to be withdrawn. There is something capricious about this.

Mr. **Hafetz.** My point is this: If the State funds for these special narcotic programs in New York City schools were cut today, the board of education would have no program; is that correct?

Dr. **Shapiro**. Almost entirely no program. I just hesitate, there might be a program somewhere. But in the interest of inherent truth, there would not be any program.

Mr. **Phillips**. You say that you started, at least, you became aware of this in 1966, 1967, and 1968 and brought it to the attention of some group. Did you ever bring it to the attention of your immediate superior?

Dr. **Shapiro**. Oh, yes.

Mr. **Phillips**. What was his reaction to this?

Dr. **Shapiro**. May Mrs. West reply, because she is much more aware?

Mr. **Phillips**. Certainly.

Mrs. West, what is your present occupation?

Mrs. **West**. I am the drug coordinator for the community school district No. 2 and also the guidance coordinator.

We initially went into trying to do something without funds, when we were in old district No. 3, and, of course, we experienced a lot of resistance because most people engaged in the school, parents as well as school personnel, denied it. They wanted to reject the entire thing completely out.

I have attended meetings, even this year, down at the Stuyvesant area where parents say that they do not care to hear anything about it. "I don't want my child there; my child doesn't need this," and so forth.

And we say the same thing, that all youngsters have certain needs.

But back in 1968, I think, or 1969, we joined up with Reverend Dempsey in Harlem where he was, before going down to Washington, in order to see whether something could be done legally about the traffic leading into the United States. At that particular time, the superintendent—we were the only people—Dr. Shapiro pleaded with the superintendent to please become a part of this thing, because it was here with us now, and we had to begin to make a move somewhere. We were the only district that got the buses together and went down to Albany with Reverend Dempsey and with the parents from New Jersey and from up in Connecticut and the close neighboring communities on this type of thing.

Now, in reference to funding, the funding turns out to be a very political thing. We were getting along on what contracts we could make with different agencies, contracts we could make in order to furnish programs for our youngsters. We were in district No. 3. We started funding a section of our program from State-urban funds, which lasted for just about 1 year, and when others began to give us some funds, the State-urban funds were withdrawn from the support of such programs. We find now that once we got involved with the State in trying to get funding for school programs that we were part of a political game that started in November and turned out to be ended by March.

Finally, funding in July, we were blamed for the remainder of this year for not being able to implement the program, not our district, because the minute they told us we had the money, we started the program, last July.

Mr. **Hafetz**. Are you referring to a threat last year to cut the State funding for the city drug program?

Mrs. West. Oh, yes. What happened: Last March, last November of 1970, we left this particular hall. They tell us we put in proposals against the Youthful Drug Abuse Act of 1970. And we went back to our district, prepared our proposals. Submitted the proposals. They were accepted, and we began to wonder what was happening. Our school board members, our superintendent, myself, and everybody concerned, were busy and calling, trying to inquire what happened. Nothing happened.

Finally, on March 24, the services agency called a hearing. At that particular time, they told us the State legislature was about to close and our program could not be funded, nor would there be funding for the drug community or the treatment community out of $51 million which had been promised.

So, what we did that day was we told Mr. Finney, "We do not need you now. What happened to our buses? We bused to Albany. And get up and bring this thing around." With that our school district and other districts joined other agencies and went to Albany. And as a result of going to Albany, we began to push, and the more we pushed the more delegations we carried.

Mr. Hafetz. Excuse me.

Did you get any support in your fight in Albany to have your funds continued?

Did you get support from the board of education?

Mrs. West. At that particular time there were only four districts in the drug treatment community that got last year's money, and ours was one. Most of the people went someplace and disappeared until after the money finally came through.

What happened with the money was this: We finally went up one time to——

Mr. Phillips. I am sorry to interrupt you. Mr. Finney is going to testify here. I think we can get the details of that financial problem from him.

Mrs. West. I do not think you can.

In the first place, Mr. Finney has been as much of an advocate as possible. What is wrong with this year's funding was the fact everybody knew he had been taken in and involved our young people in programs which would expire this June 30.

Some agency, or the board of education, suggested to the Governor the school program should be refunded this year. The directors of the 31 districts discovered this in December. We came together as a group to decide what we should do about it.

In January, as a matter of fact I think it was January 14, a group of us from Manhattan, spearheaded by community district No. 2, one principal and two teachers out of our district, we got an appointment with one of our politicians in Albany to tell us what we needed in order to bring this thing about.

Paul Thompson agreed we hold a public hearing. The next thing we do is come back and get the district's ——— and go back and take 300 people to Albany on the 28th day of February, in order to tell the Governor and to tell all the legislators that we had involved young people in a hoax.

Mr. Phillips. You seem to be lobbying very consecutively and consistently by this legislative route. Did you conduct the same lobbying activities with the board of education?

Mrs. West. We have.

Mr. Phillips. Have you consistently, or when did you bring lobbies to the attention of the board of education?

Mrs. West. We bring our lobbies to the board of education, too. I will tell you what we brought to the board.

Mr. Phillips. If you would answer my question, it would be helpful. When did you first try to bring the problem to the board of education?

We are trying to find out here when the board of education knew of this problem and what steps they took in relation to it?

I will ask Dr. Shapiro if he knows when he brought his problem to the board?

Dr. Shapiro. I guess in 1952 or 1953, one of those years, we brought it to the attention of Dr. O'Brien, who then headed the special education services. That was the first time.

The next time, we brought it to the attention of the board of education, that I brought it to the attention of the board of education, was when I became superintendent, and that was in the school year of 1967–68.

Mr. Phillips. When you say you brought it to the attention of the board——

Dr. Shapiro. I did not bring it specifically to the board of education as such. I brought it to my professional superior.

Mr. Phillips. Who would that be?

Dr. Shapiro. The superintendent of schools.

That goes back to Dr. Donovan, Dr. Brown, or Mr. Anker. I am not entirely sure.

Mr. Hafetz. The present deputy chancellor?

Dr. Shapiro. No. It was Dr. Brown. Excuse me. Dr. Brown. Then Anker. Dr. Brown, who was then deputy superintendent under Dr. Donovan, as I recall. We brought it to his attention.

Mr. Phillips. You said you had 90 percent heroin addiction problem in Charles Evans Hughes School and other addiction problems throughout the school district. Can you tell me what the deputy superintendent had to say about that?

Dr. Shapiro. There was one other aspect to this. Mr. Jack Zack was in charge of high schools. It is hard to say who was in charge over what. It was overlapping jurisdiction. Mr. Jack Zack was in charge of high schools, but I was district superintendent in charge of the high schools in district 3. The high schools were there right within the district. I brought it to his attention, too. I want to say Mr. Jack Zack tried very hard to support us in regard to funding. They were interested in that point, namely, in funding the Rockefeller Foundation to set up street workers. Mr. Zack worked hard. His recommendation joined with mine. Finally, I guess, I got an approval from the central board. They wrote an agreement to our proposal, joint proposal, National Urban League, for setting up street workers within three of the schools of our district in 1967.

Mr. Phillips. In 1967, the problem became so severe in your particular district that you applied for funding outside the board?

Dr. Shapiro. It might have become significant before, but it was the first time I knew of it.

Mr. Phillips. Why did you go to the outside funding rather than internal?

Dr. SHAPIRO. There were no funds and there are no funds really available on what is called tax money, city money and State money.

Mr. PHILLIPS. Were you told there was money available for this?

Dr. SHAPIRO. We knew there was no money available.

Mr. PHILLIPS. I do not know if you know there is money available. It seems to me you have a tremendous budget, the board of education does, and simply by reallocating resources you can make that money available.

Dr. SHAPIRO. The money that was available was broken down into various kinds of lines for different purposes.

Chairman PEPPER. Mr. Mann?

Mr. MANN. No questions.

Chairman PEPPER. Mr. Winn?

Mr. WINN. No questions.

Chairman PEPPER. Dr. Shapiro, I am sorry, but I did not understand what the present program is for dealing with the drug problem in the schools. What is it?

Dr. SHAPIRO. There is not one State proposal, State program. In the 31 districts and then another district being the high school district, they developed a different program as for title I, title II, and title III Federal money. Money was made available to the city of New York. The total amount was $19.5 million last year.

Chairman PEPPER. $19.5 million last year was made available to the city of New York?

Mrs. WEST. We were not permitted to spend that amount of money.

Chairman PEPPER. It was for drug addiction in the schools?

Mrs. WEST. It was for drug prevention education programs in the schools, including treatment.

Chairman PEPPER. How much was for treatment of those found using drugs?

Mrs. WEST. It depended upon the proposals which were offered. Say, in our particular district, we had something like $55,000 to start a pilot school for 16 youngsters. We got the salary of one teacher for 16 youngsters and a self-contained class to be run in conjunction with the youth management program on the Lower East Side.

Chairman PEPPER. How many students that were found to be users of drugs in the schools of New York have been treated in that program?

Mrs. WEST. Throughout the city, I think the estimate that I saw in March was something like 250.

Chairman PEPPER. How many?

Mrs. WEST. 250, in treatment.

Chairman PEPPER. Treatment?

Mrs. WEST. Yes.

Chairman PEPPER. That is out of the school population of New York City?

Mrs. WEST. Out of the school population. Remember, say, out of over 100,000 youngsters—pilot funds through prevention education programs.

Chairman PEPPER. We heard evidence yesterday that in the city last year, 1971, there were 227 young people under 19 years of age that died from heroin. Somebody estimated—I think Dr. Pitkin—that about 50 of those were under 16. So, in the whole program there are only about five times as many as those who died that were under 16 years years of age.

Mrs. **West**. Let me inject here: Most of these programs did not get started before December of 1971, and those people were already dead.

Chairman **Pepper**. How much money will you have to teach those found in the schools to be users of dangerous drugs?

How much money will they have for that program in 1973?

Mrs. **West**. This coming year we will have $12 million. We were told we must water down the programs, that we must service many more youngsters, and the problem is escalating. So, we do not know how to do that.

Chairman **Pepper**. You will have $12 million with which to treat.

Mrs. **West**. We will have $12 million which will include the prevention, the education, and treatment programs.

Chairman **Pepper**. What about your prevention and education programs?

Mrs. **West**. In our prevent programs, we have things like counseling, rap rooms; we have in our particular district several units called "positive alternatives," and "positive alternative program." This is an extension of the school day, and an extension of the school week, and an extension of the school year, because we firmly believe because of the fact our young people are denied community centers, because the board of education has made cuts in the city, our youngsters have no longer positive places to go. Some of our youngsters are in such dire need of this type of small positive relationship to different lifestyles.

We help these youngsters with their schoolwork.

In addition to helping with their schoolwork, we have shop programs.

In addition to the shop programs, sports and games, extensive trips, we bring in resource people from the drug-free community to sit and rap with these youngsters about the problem.

We also involve the youngsters in helping somebody else, such as the hospital, ecology bit. So, everyone is attempting to turn them onto a different lifestyle.

How do we know it works?

Say you live in lower Harlem. You have to live in a cold place. You meet your leader at 7:30 on Sunday morning, and you are going to spend that day, or that Saturday, with that leader all day long, and the evening you get back home you come to that program because you want to. That means the program has a greater touch with a greater aspect of the community. So, this is one of the things in our program.

Chairman **Pepper**. Thank you very much.

Dr. **Shapiro**. I listened to Mrs. Shapiro's summary. She left out some things in our program. I do not know whether it ought to be in her comments or mine.

I think, for instance, it is important to realize there is an interrelationship between and among the various activities of the school system that have, as it were, a kind of supporting relationship to what might be considered narcotic addiction. For instance, in the last school year, it was necessary for us to cut down on the number of positions in our district 16.7 percent, the equivalent of 172 classroom positions.

Class sizes became larger, corrective or remedial services became nonexistent. Some attendance teachers disappeared.

Counselors dropped by half. As we begin to talk about the allocation of funds for budget purposes, if we develop a first priority with regard to narcotics within the board of education and some moneys are allocated to narcotics taken from someplace else, you see, and this, in and of itself, hurts our pilot program.

As Mrs. West pointed out, as we develop an alternative program what we ought to do is to provide additional people, additional personnel, additional possibility of relating to the children.

One of the aspects of relating to the children, the people in the positive alternative programs—she mentioned only one—necessitates relating in a small group relationship. The rap programs are almost invariably small group programs. As class size increase, you see, we can go far, far away from the possibility of developing a program effectively.

Chairman PEPPER. Thank you.

Mrs. WEST. Let me ask you just one question. There was an indication the Federal Government had sent to New York $590 million to be used for social services and narcotic services. Now, we are wondering: Did Congress earmark—and they said double the amount received by the State last year, and two-thirds was supposed to go in the narcotics program?

In the face of that, we find it very difficult to understand why we must water down our programs and why the Congress did not earmark some of these funds for school programs.

Mr. PHILLIPS. That is what these hearings are all about.

Chairman PEPPER. Mr. Winn?

Mr. WINN. That is true. That is what we are trying to ascertain, where this money will go and how far the Congress should go in earmarking our funding.

I was very interested in your "positive alternatives" program.

Do you have some written programs, outlines, and things that you can submit to this committee?

I believe many of us would be very interested in going through those.

Mr. Chairman, if we could have those submitted for the record.

Chairman PEPPER. You have the programs here?

Mrs. WEST. We have our present proposed program. The funding for next year, the fact our program was weighted outstanding and that did not amount to $29,000.

Mr. WINN. You may have misunderstood me. I am talking about how these things operate.

Mrs. WEST. I have it all here, the different communications. We offer this to you as something that might be constructive.

Mr. WINN. Thank you very much.

Thank you, Mr. Chairman.

(The material referred to follows:)

PROGRAM FOR WHICH STATE FUNDS ARE REQUESTED

PILOT MINI SCHOOL

O. Henry Prep, located, Hudson Guild, 441 W. 26th St., New York, N.Y.

DURATION

Summer, July to Aug. 1973—3 hrs. per day; Sept. 1972–June 30, 1973.

OBJECTIVE

To provide a mental hygiene setting with supportive treatment and educational services for junior high school students who have taken the step beyond experimentation with drugs, and who are not yet chronic abusers.

To offer on-site supportive rehabilitation services which include clinical and drug counseling and to those students so that they might return to the regular school setting as soon as they are ready.

To protect the larger student body from those more deeply committed to the drug culture.

To sensitizing parents and community residents to the needs of youngsters with drug involved problem.

TARGET POPULATION

20 junior high school students who have problems of drugs and self destructive behavior, and who are victims of social and community neglect.

SOURCE OF REFERRALS

Students volunteers, parental consent, recommendations from the school personnel, the courts, and community agencies.

OVERVIEW OF THE PROGRAM

This will operate as an annex to IS 70, the O. Henry school and will service 20 boys and girls. The program will be flexible to meet the rehabilitation and academic needs of the students. The clinical and drug education personnel of Hudson Guild, the assigned teachers, the parents, the principal of O. Henry, the students and the Drug Program Coordinator have and will continue to plan together to develop the program. Hudson Guild's clinical and drug addiction specialist personnel will continue to provide the continuous counseling and drug group sensitivity inputs.

The teaching staff will continue to meet on a regular weekly basis with the clinicians and drug addiction specialist. The assigned neighborhood worker, a resident of the community, will provide liaison between the community, the parents, students, and the school. O. Henry will continue to give additional individual personnel to assist in providing the students with more individualized academic help. The smooth articulation back into the regular school setting will be arranged.

The program will operate 3 hrs. per day during the six week summer program, and will provide for the continuous drug supportive and counseling services as well as recreational activities for the students. The hours will be flexible to include morning, evening and weekends. During the regular school year the program will operate from 8:40 a.m. to 5 p.m. and will include some evening and weekend activities. Between 3–5 p.m. in the evenings, and during weekends the program will include recreational, shop, cooking, and other activities planned with the students.

PERSONNEL ROLE

The teachers are selected upon the basis of their training and interest in special innovative education and will develop during the year, curriculum materials appropriate to the program. They will plan and coordinate the program with the students, their parents, the Hudson Guild personnel, the Drug Program coordinator, and the feeder school.

The neighborhood worker is a young male resident of the Chelsea Community. The clinical and drug personnel are members of the paid staff of Hudson Guild.

PERSONNEL NEEDS

2 Teachers; 1 Neighborhood Worker.
Drug specialist and clinician services to be provided by Hudson Guild.

OTHER THAN PERSONNEL NEEDS

Lunch and snacks, Maintenance supplies, custodial services, telephone usage, breakage.

PILOT MINI SCHOOL

The Pilot Mini School, known as O. Henry Prep, component of Project Omnibus operates from facilities at the Hudson Guild, 441 West 26th Street, N.Y. The purpose of the program is to provide a sound mental hygiene setting with needed treatment and educational services for junior high school age youngsters who have taken the step beyond experimentation with drugs but who are not yet chronic abusers. The program offers a combination of educational and on-site supportive rehabilitation services to enable the participants to return to a regular school setting as soon as they are ready. These services are offered each school day between the hours of 8:40 a.m. to 6 p.m. Staffing for the program consists of two teachers, and one neighborhood worker at a total cost of $44,309. Other budgeted expenses are: pupil lunches, textbooks, and instructional supplies at a cost of $8,182, plus maintenance cost. The space, the supportive counseling, and drug specialist services are contributed by Hudson Guild. It has been anticipated that the start of the mini-school cycle would coincide with that of the school year. Difficulties and delays within funding procedures, however, led to difficulties and delays in the site identification. Funds requested for renting premises were deleted at the last moment. The program began its operations in November.

The program is geared to service sixteen junior high school age youngsters and is currently operating with this number of participants. Attendance for the first complete month of operation was 100% and continues at that high level. One of the teachers indicates her feeling that individualized instruction, rap sessions, informal all day trips, and the general conduciveness of the atmosphere to learning activities underlies the high and stable attendance record of the group. The district-wide experience for attendance of this age group is approximately 82%.

All of the participants entered the program by referral. One youngster was referred by a community agency. All others were referred by public school personnel.

Individual conferences were the basic technique used to identify the needs of the incoming youngsters. These were supplemented by group discussions of group needs, attitudinal and skill surveys, and examination of pupil records.

A broad based group consisting of project staff (25%), participants (25%), community representatives (25%), school personnel (25%), and parents (10%) was involved in developing program goals based upon the participants' needs. Meetings devoted to this activity are a "built-in" program activity and take place approximately three times per year. The group involved in translating program goals into program activities has the same representation and proportions and meets with approximately the same frequency. Unlike other components of Project Omnibus, the Mini-school is not involved in sharing facilities with other Board of Education or N.A.C.C. programs. Contact is maintained with such other programs through information sharing activities.

Project staff, public school personnel, project participants, and parents participated equally in developing an approach to the measurement of program effectiveness. The techniques to be used include group meetings, individual conferences, pre/post testing for attitudinal and skill changes, annotated individual records.

The facilities used by the Mini-school are not shared by other Board of Education or N.A.C.C. programs. Contact with these programs is maintained through ongoing information sharing activities.

PROGRAM FOR WHICH STATE AID FUNDS ARE BEING REQUESTED

SCHOOL YOUTH WORKER

Duration

September 1st to June 30th, 1973.

Objectives

To provide immediate assistance, counseling, referral, and follow-up for any student or family worker within the school community who are experiencing an incipient or actual drug problem.

To orient students, parents, and teachers to the identification of community social problems and to involve groups in working with community projects.

To provide open forums for discussions and action for the resolution of drug and social problems of students, parents, and teachers.

Target Population

All persons in the environs at the site of each individual school within the district.

Source of Referrals

Volunteer participation and recommendations of school staffs, parents, and community agencies.

Overview of the Program

School sites will have a school worker for a two hour per session after school including evenings and weekends.

There will be a trained social worker assigned to the groups of seven schools to provide on site assistance to the school youth workers, students, parents, and teacher groups.

The social worker will provide counseling and referral service to individuals and family having incipient or actual drug problems. The personnel of this unit will involve the resources of the school, district, other Project Omnibus components, youth drug orientation centers, drug free residential communities, A.S.A., N.A.C.C., hospitals, clinics, other community persons and agencies. The unit will provide individual counseling and group discussion sessions, and referral, support, and follow-up will be given to those in need of help.

Every effort will be made to involve the independent and parochial school students and parents in the area in these programs. The Yorkville area of our district is the only segment of the district having a paucity of youthful drug services of the Yorkville Committee Against Drug Abuse located at 331 East 70th Street, New York, N.Y. 10021.

Personnel Role

The school youth worker—may be a licensed or certificate of competency teacher or guidance counselor. All must have training in drug education. They must relate well to people in crisis. Additional training to be arranged by A.S.A. and in-house.

Social Worker

The social worker must have had experience working with youthful addicts and their families, must be able to work at the center site; must make home visits if needed; and must provide referrals and follow-up for those in need of help.

Personnel Needs

27 School Youth Workers (per session); 4 Per session social workers.

Consultant Fees

$10,000 to be paid to the Yorkville Committee Against Drug Abuse, 331 East 70th Street, New York, N.Y. 10021.

For continuing on-going services to the schools within the Yorkville area which will include the on-going group sessions for school representatives; individual conferences with school personnel and Project Omnibus personnel for planning and coordination of school based drug education and prevention programs; and mobilization of other community agencies for the development of supports to school drug programs.

SCHOOL YOUTH WORKER (PREVIOUSLY KNOWN AS DRUG COUNSELING)

The School Youth Worker component of Project Omnibus operates at eighteen elementary and five junior high school sites, PS 1, 2, 6, 11, 23, 26, 33, 40, 41, 42, 51, 59, 111, 130, 151, 158, 198, IS 70, 29, JHS 17, 104, and 167.

It was not possible for PS 126 to participate because of the lack of custodial opening fees at that site. All other locations were able to operate because another after school existing program paid the custodial assessment. PS 3 selected a worker but he decided not to participate. PS 183 and 190 didn't accept the option but deferred to the consultative service of the Yorkville Committee Against Drug Abuse.

The purpose of this program is to provide immediate assistance, counseling, referral, and follow up for any person or family living within the environ of the site and experiencing an incipient or actual drug problem; and to provide drug preventive group activities for the young people and parents of the school.

Staffing for the program consists of one School Youth Worker position, per site and one Social Worker position for every eight sites, all on a part-time basis. Total N.A.C.C. personnel cost is $126.687,730. Local contributions in the category of clerical and instructional supplies at this point approximates $550.

All of the program sites indicate a basic involvement in the area of prevention. 71% of the sites indicate additional program activities of an information disseminative nature; 10% additional program activities of a therapeutic nature.

Differences in participant needs, available facilities, and staffing characteristics have led to a range of program designs at component sights. Data relating to number of participants and attendance need to be read against such programmative differences. Some groups are characterized by a continuing, full-time relationship between the participant and the program. Others are of a more open or revolving door in the type of program and services offered.

Since its inception the program has experienced a "turnover" of 44 children (4%). Of these 40% moved to another part of the city, 35% indicated conflict with other activities, and 15% transferred to other components of Project Omnibus.

Figure for March, the most current monthly attendance average of the sites surveyed ranged from 81% to 100% with an overall average of 93% for the component. These figures compare very favorably with the district-wide school attendance average of 82%. Through March this unit had serviced or contacted 11,793 students, parents, and individuals in the community.

Project workers, in analyzing attendance patterns, characterized participant interest as follows: group discussions (30%), games and sports (30%), trips (15%), craft activities (15%), films and film making (10%).

The greatest number of entering participants (37%) heard about the program through an initial contact with project staff and friends who were already participants: 33% were referred by day school personnel, and 30% were "walk-ins."

Various forms of group discussions were the most often used techniques in identifying participant needs (50%). Other techniques involved individual interviews (40%), discussions with community agency personnel (5%), examination of records (3%), and attitudinal/skill surveys (2%). Each of the groups drew upon at least three of the above techniques.

In identifying group goals, 25% of the surveyed sites had advisory groups with representation from the project staff, school staff, project participants, parents, and community representatives; 40% had representatives of four of these groups; 20% had representatives of three of these groups; 15% had representatives of two groups.

Sixty percent of the sites have "goal-identification" groups that meet regularly as a built-in program activity. The others meet "as the need arises." Frequency of meetings vary from site to site and range from one per week to one per month.

In developing evaluation data, group leaders indicate that they will use combinations of the following techniques: cumulative individual records, cumulative group log, individual conferences and group discussions.

PARENT PROGRAM ASSISTANT

I.S. 29 M. East 94th Street & Park Avenue, New York City.

Duration

September 1, 1972–June 30, 1973 (40 hours per week).

Objective

To provide an on-going liaison between the school drug prevention program and the East Harlem community agencies working with drug and other social problems of the families of the student body who as well as the parent program assistant are residents of East Harlem.

Target Population

1200 East Harlem 7 & 8 grade students and their parents.

Overview of the Program

The parent program assistant works with the principal, guidance counselor, school youth worker, and the parents of the students in the coordination of home, school, and community efforts to provide drug prevention services. The parent program assistant is the liaison between the school and the SCANT program which provides cooperative services for the student since they are residents of East Harlem.

The parent program assistant has wide experiences working with the agencies and schools in East Harlem, having also been a school board member prior to decentralization. The program assistant participated in the Drug Institute conducted by Columbia University—School of Health Administration. See narrative descriptions of on-going programs for additional information regarding this much needed supportive service.

Personnel Needs

1 Parent Program Assistant.

Other Than Personnel Needs

Transportation: To reimburse the parent program assistant for transportation costs arising out of visits to homes and agencies.

PARENT PROGRAM ASSISTANT—IS 29

IS 29's position within District 2 is unique in at least two respects: the entire student body lives in an adjacent district and all, approximately 600 in number, are at one grade level, the seventh. The school is located at 94th Street and Park Avenue, the northernmost boundary of the district. The children live in East Harlem, in areas of heavy youthful drug involvement.

The goal of the program is to provide necessary liaison between school, home, and appropriate community agencies in focusing all available resources upon youngsters who demonstrate tendencies toward drug usage. The start of the program coincided with the start of the school year in September. Activities take place five days, forty hours each week. N.A.C.C. contribution to the staffing consists of one parent program assistant.

Program services are informational and preventive in nature. The information-dissemination function is broad based and has reached the majority of the youngsters.

Ninety percent of the participants heard about the program from school personnel. The others had their initial contact through project publicity and community agencies. Similarly, 90% of the program participants "walked-in". Ten percent were referred. Individual interview was the chief technique used to identify the needs of incoming participants with additional information gained through group discussions.

Program goals were developed through consortium activity involving project staff, school personnel, program participants, and community representatives. The group meets as the need arises and anticipates eight meetings in the course of the current cycle. The same representation is involved in developing program activities.

In developing an approach to measure the effectiveness of the program, project staff interacted with school personnel, project participants, parents, and community agency representatives. The techniques determined by the group include annotated individual anecdotal records, individual conferences, and participant group meetings focusing specifically upon discussion of program progress. Data relating to evaluation will be gathered approximately four times during the year and will be disseminated among the participants, parents, community agencies, and all concerned with program development and implementation.

YOUTH DYNAMICS PROGRAM FOR WHICH STATE FUNDS ARE BEING REQUESTED AT JHS 65

Duration

Sept. 1972–June 30, 1973.

Objective

To bring about behavioral changes in children who have been selected because they have demonstrated pre-addictive syndrome, i.e.. inability to function in a regular school environment because of their own self-destructive attitudes and behavior.

Target Population

16 JHS youths who exhibit one of the following characteristics over a prolonged period; constant nodding, hardcore truancy, excessive cutting, chronic lateness, hostility, underachievement, and withdrawal. Parent and pupil consent to participate is required.

Source of Referral

Students who exhibit the criteria above are referred by the attendance bureau, guidance counselors, deans, classroom teachers, parents, and community agencies.

Overview of the Program

This program was initiated during the summer of 1968 by the Narcotics Coordinator of JHS 65 and the personnel from the ASA Youth Dynamics component, and is being continued into the current school year.

The students follow their normal school schedules for the first four periods. After lunch they go to the Youth Dynamic Horizon project Center, at 62 Broadway. The student stays at the center from 1 to 6:30 p.m. each school day. During this time, they participate in group rap sessions set up by ASA personnel and are given tutorial assistance. The program is designed to provide group experiences which may reduce self-destructive attitudes.

As the student displays behavioral changes, he returns to the regular school program and is given supportive and extra help by the guidance counselor, narcotics counselor, and the teaching staff.

Program Needs

A self-contained classroom emphasizing a thematic approach rather than the usual subject oriented program is needed to lessen the strains of relating to many authority figures and to avoid the tensions emanating from wide peer contact. This requires personnel and materials resources which the school cannot provide.

Personnel Needs

One teacher who has a background in drug education and who emphasize with adolescents experiencing difficulty. The teacher will be the instructor of the nongraded classroom and will accompany the group to the Youth Dynamic Center and will participate in the group experiences with the Youth Dynamics staff personnel.

Supply Needs

Consumables.

YOUTH DYNAMICS PROGRAM

The Youth Dynamics Program began its current cycle in October 1971. During the morning, the project operates from JHS 65 Man. In the afternoon, the group moves to the University Settlement. Morning activities focus upon the strengthening of academic skills within a self-contained classroom situation which stresses open classroom techniques. Afternoon sessions from 1:00 to 6:30 p.m. draw upon the additional resource of A.S.A. personnel who conduct rap sessions, seminars, and lead recreational activities.

The goal of the program is to bring about behavioral changes in students who have demonstrated a pre-addictive syndrome, i.e., inability to function in a regular school environment because of negative, self-destructive attitudes. The target population consists of junior high school youngsters who exhibit one or more of the following characteristics over an extended period: constant nodding, hardcore truancy, excessive cutting, chronic lateness, hostility, underachievement, or withdrawal. Parent and pupil consent to participate is required.

Staffing for the program consists of one full-time teacher, supported by N.A.C.C. funding at a cost of $15.280. Projected OTPS expenditures are $8,000 with $4.200 provided locally.

PRELIMINARY COMMENTS

The program director characterizes the activity as a preventative program for junior high school aged children. It is believed that with existing staff and facilities, sixteen is the maximum number of participants. Need for the program exceeds this number and led to "turning away" of 32 youngsters. The relatively high rate of mobility apparently stems from three characteristics:

1. Design. Students are returned to a normal classroom situation as sufficient progress is made.
2. Neighborhood. The project is located in a geographic area characterized by high rate of family mobility.
3. Structure. Students find time conflicts with other activities.

The program is currently operating at maximum, 16 participants. Attendance average has been steadily increasing, rising to a current 75%. This figure, while lower than the district-wide junior high average of 82% reads well against the history of truancy which led to the selection of the largest number of participants. The large number of potential participants among the target population indicates the need for establishing at least two more Youth Dynamics groups, one, if possible with a Chinese bilingual teacher to serve the city's largest percentage of Chinese speaking students.

Analysis of the present target population indicates that 75% of the youngsters were referred to the program by personnel at the junior high school. The remaining 25% "walked-in," having heard about the program from other youngsters who were already participants. The needs of the incoming student were identified through a combination of individual interviews, group discussions and examination of student records. These efforts resulted in two youths from the group entering a drug free community. The class has met the need of a youngster who wanted help. He might have drifted into pushing to solve his multi-family problem. Another student who was absent 160 days out of 180 last year, now has almost perfect attendance.

Project staff, school personnel, participants, and community representatives are all involved in determining program goals and activities through weekly meeting. Parents, to a somewhat lesser degree, participate in these activities through meetings which take place four times a year.

These same groups participated in the development of an approach to measure the effectiveness of the program. Group logs, individual conferences, and group meetings (in equal measure) are the chief evaluative vehicles with data sampled each month.

When the cycle is completed, evaluative information will be broadly disseminated to all involved in, affected by, or interested in the program through individual conferences and group meetings.

POSITIVE ALTERNATIVES

The Positive Alternatives Program of Project Omnibus operates from four elementary and three junior high school sites. The sites and starting dates are as follows: P–1 (11/71), P–33 (11/71), P–51 (10/71), P–111 (10/71), J–17 (10/71), J–65 (10/71), I.S. 70 (11/71). Each of the sites has two-hour after-school sessions: P–1, P–111, and I.S. 70 have meetings four times a week and P–33, P–51, J–17, and J–65 have meetings five times a week. The goal of the program is to provide opportunities for students who at an early age may develop a dependency need for drugs to meet informally under professional guidance in a setting which provides a context for the exploration of attitudes about self and others in relation to community problems and resources and through such activities to develop positive Approaches to life situations. The target population consists of elementary and junior high youngsters whose behavior patterns suggest a possible movement toward drug dependency as identified by classroom teachers, counselors, parents and community agencies. The association with adults in a positive role model has provided the opportunity for several youth at the JHS to kick cold turkey.

Staffing for the program consists of seven teachers-in-charge, twenty-four teachers and seven educational assistants, all on a part-time basis. In full-time equivalent: Teachers-in-charge, 1.75; teachers, 6.0; educational assistants, 1.75.

NACC personnel support costs are $151,082. Local support at this time approximates $25,000.

Other budgeted expenses include instructional and clerical supplies, snacks, and fees for a total NACC cost of $1,017. Local support in the areas of supplies and fees currently approximates $800.

Preliminary comments

All of the program sites indicate that their primary activity is one of prevention. The components at P.S. 51 and 111 report an additional focus upon information dissemination. JHS 17 reports both informational and supportive activities Positive Alternatives is currently servicing 196 elementary, 127 junior high, and 9 high school youngsters. Six adults are also participating. In terms of existing staff and facilities, all centers indicate maximum utilization. In some instances (JHS 65, I.S. 70, and P.S. 111) the limitations in physical facilities and staff availability led to waiting lists of 20 elementary, 106 junior high, and 40 high school youngsters.

No "turnover" is discernible among the junior high school and older target population. Among the elementary and junior high groups, this figure approximates 98% of the "turnover" 11% (39 children), twenty-one indicated conflict with other activities such as jobs and family obligations, ten moved to other parts of the city, three transferred to similar programs. Current average attendance for this component is 90%. Both the "turnover" figure and the average weekly attendance compare favorably with the district-wide figure of 82%.

Teachers-in-charge at the program sites attribute the relatively high and stable attendance to the following program features (most commonly mentioned first) rap sessions trips athletic and cultural activities tutorial and arts/crafts recreation. Those activities for the most part take place weekdays between 3:00 and 5:00 P.M. One site has scheduled activities two Sundays each month as well as during the Winter and Spring recesses.

In looking ahead to next year requests have been made to expand the program to include early childhood students to recruit an additional number of activity-specialists and to establish a "bank" of additional sessions that could be drawn upon as needed during the week or weekends.

40% of the current participants entered the program by referral with school personnel playing the largest part. 17% just "walked-in" and stayed. 43% entered through other processes (most frequently mentioned first): program-school publicity teacher inquiries staff activities and court-police liaison.

To determine the needs of the incoming participants the following techniques were reported individual interviews (53%) group discussions (20%) appraisal of records (22%) and attitudinal and skill surveys (37%). The remaining 2% reflected insights gained from parents court and police liaison personnel.

In developing program goals from identified participant needs program staff combined in equal measure with participant parent and school representatives. Four of the sites have developed channels with community group representatives who participated in developing goals. At five of the sites these groups come together to consider program goals as a regular "built-in" program component. With programmatic differences at two of the sites such meetings are held as the need arises. The frequency of meetings devoted to "goal" discussions ranges from one per week to three per year.

In moving to program activities from program goals a wide range of site patterns is in evidence including participant-centered equal staff-participant decision making and staff-centered structures. In collating the approximate proportions reported by the teachers-in-charge the overall profile of activity decision-making is—staff (60%)participants (30%) parents (7%) school personnel (3%). At six sites group meetings devoted to program activities are a scheduled activity. At the remaining site groups come together as the need arises. The frequency of such meetings ranges from once per week to three per week.

All seven sites operate from school facilities sharing the facilities with other programs. The basic relationship between the Positive Alternatives Program and the other activities sharing the facilities is essentially one of information sharing. Two of the components have extended their contacts with other programs sharing the same facility to include joint planning. One component is currently involved in joint implementation.

Looking toward effectiveness measures

All sites report the interaction of project staff, project participants, and parents in developing an approach to measure the effectiveness of the program. A wide range of representational proportions is in evidence. Project staff representation within these groups ranged from 35% to 75%, participant representation from 5% to 45%, parent representation from 5% to 20%, school staff representation from 0 to 10%, community representation from 0 to 5%. A composite of the groups indicates—project staff 60%, participants 23%, parents 10%, school staff 5%, community representatives 2%.

In terms of the technics to be used in measuring program effectiveness, all sites indicated a basic reliance upon meetings of the group as a whole and conferences with individual participants to determine whether program goals are being met. Other techniques in use include an annotated group log, maintenance of individual records, pre-post testing for attitudinal changes, and pre-post testing for skill changes. A composite reflects the following range of approaches—group meetings 35%, individual conferences 30%, group logs 20% testing 1%. Four of the groups have indicated that data would be collected at the beginning and at the end of the cycle.

Designs for disseminating evaluative information vary from site to site. All sites plan to use group meetings for this purpose in combination with newsletters and/or conferences.

THE CLINTON PROGRAM

The Clinton Program operating from the Clinton Youth and Family at 314 West 54th St., N.Y.C., began its current cycle in September 1, 1971. It serves a target population of junior high school youngsters residing in areas of heavy drug involvement who have indicated that they have not found self-gratification in the conventional educational setting. The program goal is to provide creative learning experiences based upon community strengths, assets, and resources as a viable alternative to the negativism which results in self-destructive behavior such as drug dependency. Sub-goals include the development of an educational atmosphere conducive to close pupil-teacher relationships and practical job training in a real job situation.

One hundred and twenty-three youngsters are currently participating in the program. Staffing consists of one teacher-in-charge, one remedial reading teacher, and six classroom teachers. N.A.C.C. funding supports the first three positions for a total of $38,955; the remaining six positions are funded locally at the cost of $77,910.

The morning phase of the program takes place in a classroom situation and focuses upon basic curriculum areas. During the afternoon phase, groups leave the school to continue their learning experiences at a large number of business, commercial, industrial, cultural, and recreational resource centers within the community. Here, first-hand experience is acquired in using current equipment and materials in real situations with the assistance of skilled practitioners. Participants select their afternoon sequences from a catalog of electives developed at participant-staff meetings with the staff then developing the necessary relationships with the community resource to implement the program.

The program meets Monday through Friday, 8:30 a.m.–3:00 p.m.

Preliminary comments

Of the 123 youngsters currently participating, 115 have been continuously involved from the start. The program director indicates that with current staffing and facilities it would probably be possible to serve an additional 17 youngsters. While preliminary information indicates that at least this number of district junior high school students would be interested in participating, obstacles seem to arise from the way participants enter the program and the perhaps unique geography of the school district. Participation in the Clinton Program, unlike other district components involves formal transfer to the parent school JHS 17. Geographically, the school district covers the greater part of the lower half of Manhattan with transportation to the program center sometimes complicated and of concern to the child and parent. A conference with the Community Superintendent will be requested to develop approaches to fullest utilization of program resources.

The current attendance average for the Clinton Program is 90%. This compares with 81% for the geographically closest junior high school and an average of 82% district-wide for the junior high schools. Three students transferred to other programs when their families moved to another part of the city. Truancy pattern have been discerned on the part of 6 students (5%). The staff attributes the comparatively high and relatively stable attendance average to the small, informal classes, alert staff follow-up of pupil absences, and built-in continuing contacts with parents in the form of meetings and workshops.

All program participants attend as a matter of choice having heard of the program from staff members or by talking with students already participating. Three techniques in just about equal parts are used to identify the needs of incoming youngsters: the California Achievement Test, individual interviews, and group discussions. At this point, it is primarily the staff, drawing upon the insights gained through test, individual, and group conference, that develops the program goals. Participants are currently involved in developing the governing structure of the project and in writing its constitution. Parents and representatives of cooperating resource institutions also have peripheral input in developing goals through two regularly scheduled marathon meetings each year bringing everyone together specifically for the consideration of program goals.

In developing program activities from identified program goals, the groups and processes described above are similarly involved. Combined meetings for this purpose, however, approximate 15 per year. The need for additional planning time in August is strongly indicated.

The Clinton Program, in terms of program and physical facilities, is a self contained component. The basic interaction with related ongoing programs within the district is essentially in the nature of information sharing.

The following groups were involved in developing an approach to measuring the effectiveness of the program; project staff, project participants, cooperating community resources, school personnel, and parents. The techniques used are pre/post testing for skill and knowledge growth, standardized achievement test, individual and group conferences. Evaluative data will be gathered at the beginning and end of the year. The program plans to utilize group meetings to disseminate the data on the broadcast possible basis.

LIST OF NAMES, LOCATION, DESCRIPTION OF EXISTING PREVENTION AND REHABILITATION SERVICES AND RELATIONSHIPS

Name and address (New York)	Description	Relationship
Daytop: 175 Chrystie St	Ambulatory treatment	Referral resource for the addicted individual and resource personnel to service school groups (students, parents, and teachers).
Encounter: 150 Spring St	Community orientation center.	Do.
	Ambulatory treatment	In addition is providing staff development programs for the teacher at I.S. 70.
Greenwich House: 116 West 14th St		Referral resource for the addicted and resource personnel to serve school groups (teachers, students, and parents).
Bureau of Continuing Education: 320 East 20th St.	Community centers	Space for after school and evening programs.
Hudson Guild: West 26th St	Drug counseling clinical services.	Referral resource, housing for the mini-schools.
M. J. Berstein Institute: 307 2d Ave	Detoxification methadone.	Referral resources for addicted.
University Hospital: 560 1st Ave	do	Do.
N.A.A.C.: 180 Avenue B	Community coordinating and resource.	Referral resource, resource materials, resource personnel
Lower East Side Service Center: 165 East Broadway	Methadone maintenance	Referral resource for the addicted.
Mount Sinai: 100th St. and 5th Ave	do	Do.
N.E.N.A.: 275 East 3d St	do	Do.
Hudson Guild: 441 West 26th St	Community orientation center.	Drug specialist and clinical services to pilot minischool plus space. Project Omnibus referral resource for addicted resource personnel.
Hamilton Madison House: 60 Catherine St	Neighborhood center	Referral resource, counseling services P.S. 1, 126, 42. Donation of 2 instructional music teachers to the Positive Alternative at P.S. 1.
Project Return: 141 East 34th St	Drug free resident community	Referral resource for addicted and resource personnel to P.S. 51, 111, JHS 17.
Roosevelt Hospital: 428 West 59th St	Methadone maintenance community counseling.	Referral of addicted and resource personnel to P.S. 51, 111, JHS 17.
The Door Horizon Project: 12 East 12th St	Youth orientation center	Referral resource, resource personnel to P.S. 26, JHS 65, I.S. 70.
The Police Academy: 235 East 20th St	Community resource	Visitation and resource personnel.
New York City Parks Department	do	Use of recreational facilities.
S.C.A.N.T.: 1735 Madison Ave	District 4 drug program	Referral resource.
Yorkville Committee Against Drug Abuse: 331 East 70th St	Community resource	Consultative to Yorkville schools in Project Omnibus.
Boys Harbor Inc.: 19 East 94th St	do	Referral resource.

Chairman PEPPER. Thank you both.

The committee will adjourn and reconvene our hearings tomorrow in Washington, D.C.

(Whereupon, at 5:55 p.m., the hearing was adjourned, to reconvene Wednesday, June 21, 1972, in Washington, D.C.)

DRUGS IN OUR SCHOOLS

WEDNESDAY, JUNE 21, 1972

House of Representatives,
Select Committee on Crime,
Washington, D.C.

The committee met, pursuant to notice, at 2:50 p.m., in room 345 of the Cannon House Office Building, the Honorable Claude Pepper (chairman) presiding.

Present: Representatives Pepper, Waldie, Brasco, Mann, Rangel, Wiggins, Steiger, Winn, and Keating.

Also present: Joseph A. Phillips, chief counsel; Michael W. Blommer, associate chief counsel; Chris Nolde, associate counsel; and Fred Hafetz, special consulting counsel.

Chairman Pepper. The last 2 days this committee held hearings in New York City on the question of drug abuse in the schools. We heard some very shocking evidence. One fact was that in the year 1971, in New York City, 227 young people under 19 years of age died from the results of taking heroin. There was an estimate by one of the witnesses that at least 40, 50, or possibly 60 of those 227 were under 16 years of age. That figure of 227 is a rising figure.

We are all very concerned about the problem of dangerous drugs and narcotics in the country and particularly in the schools. We have evidence that in some schools the percentage of users is as high as 90 percent and other estimates were that as much as 50 percent of the students in certain of the schools were using heroin. Some of them are already hard-core addicts. This committee is very much concerned with this problem, not only in respect to the health and the future lives of these young people, but also in the relationship of that problem to crime, because the evidence indicated that a great deal of crime was committed over the country by people who have to satisfy the terrible urge of heroin by going out and illegally obtaining possession of enough property to be sold to a fence to enable them to buy the heroin that their body becomes accustomed to; usually several doses a day. It is pretty obvious that unless a young person addicted to heroin is rich and can afford up to $200 or more a day to satisfy his addiction, the only way he can get the amount of money necessary to purchase the drug is by illegal means.

What we are concerned about is the scope of the problem: What are the facts about drug abuse in the schools, the country; and what can be done about it.

Our first witness today is Miss Kathleen Conlon, who will tell of her experiences as an undercover agent concerned with drug abuse in New York City schools.

Mr. Phillips, will you inquire of the witness, please?

Mr. Phillips. Miss Conlon, will you tell us your occupation?

STATEMENT OF KATHLEEN CONLON, UNDERCOVER POLICE OFFICER, NARCOTICS UNIT, POLICE DEPARTMENT, NEW YORK, N.Y.

Miss Conlon. I am a detective employed by the New York City Police Department.

Mr. Phillips. Do you have a special assignment in the New York City Police Department?

Miss Conlon. Yes, I do. I work in the capacity of an undercover narcotics agent.

Mr. Phillips. That is a rather unusual occupation for a young lady, is that correct?

Miss Conlon. It sure is.

Mr. Phillips. Tell us how long you have been an undercover police officer in the New York City Police Department.

Miss Conlon. For approximately 38 months.

Mr. Phillips. During that period of time, have you done undercover work in relation to narcotics?

Miss Conlon. Yes, I have.

Mr. Phillips. How many pushers of narcotics have you arrested in that period of time?

Miss Conlon. Approximately 300.

Mr. Phillips. How many actual "buys," as you call them, of narcotics have you assisted in?

Miss Conlon. Between 400 and 500.

Mr. Phillips. Could you tell us the largest amount of narcotics that you have purchased?

Miss Conlon. Personally, I made a $600 buy for cocaine; I have assisted in the purchase of higher quantities, up to $8,000.

Mr. Phillips. Purchases of heroin, is that correct?

Miss Conlon. That is correct.

Mr. Phillips. Did there come a time when you received assignments in relation to the city's schools?

Miss Conlon. Yes, there did.

Mr. Phillips. In May of 1969, did you have occasion to go to Charles Evans Hughes School?

Miss Conlon. Yes, I did.

Mr. Phillips. Where is that located?

Miss Conlon. It is located on the West Side, within the confines of the 10th precinct.

Mr. Phillips. What did you discover when you went to Charles Evans Hughes School in regard to the amount of addiction that existed there?

Miss Conlon. In my 3 days inside Charles Evans Hughes, I discovered many evidences of narcotics abuse. We saw various quantities of glassine envelopes that were disposed of inside the lavatories and the locker rooms. I saw students nodding out in cafeterias and in classrooms. I saw girls in the locker rooms injecting heroin into their veins. I saw girls in the ladies' rooms injecting heroin into their veins and into other parts of their bodies, the personal parts of their bodies.

I saw kids overdosing outside the school, laying down in an unconscious state.

Mr. PHILLIPS. Did you come to any conclusion about the extent of drug addiction and the percentage of the students that might be involved?

Miss CONLON. As a result of my conversations with various students in the school, I believe that the addiction rate or the abuse of drugs in the schools is between 50 and 60 percent. Now, that was in 1969. Recently, there have been other operations taken on in the vicinity of the school and within the school and the percentages have gone up.

Mr. PHILLIPS. Yesterday, we had the assistant superintendent of schools for that particular area. I think he assumed the responsibility for the Charles Evans Hughes School in 1967 or 1968, and his estimate was that 90 percent of the children in that school were involved in drug addiction. And you say, you have felt that it was about 50 or 60 percent. Is that correct?

Miss CONLON. Well, of course, I don't know what the total enrollment in the school was and I can only make my estimates on the number of students that I myself spoke to. I would not say the man is wrong; he is probably more accurate than I am.

Mr. PHILLIPS. Did you see any other crime in the school which related to drugs; or any other crime in the school at all?

Miss CONLON. Yes; there were evidences of lockers which had been broken into, and in one instance I actually saw two students jimmying a locker. I had heard from the students that there were reports of pocketbooks being taken, wallets being stolen, and other personal effects that had been reported missing.

Mr. PHILLIPS. Did there come a time when you went to St. Anthony?

Miss CONLON. Yes, there did.

Mr. PHILLIPS. Could you tell us what you found there?

Miss CONLON. In St. Anthony's the enrollment is approximately 100 girls. It is a cooperation school, in that the students there attend school for half a day and go to work for half a day. Of the 100 students, I would say 30 percent were on drugs of some type, although I saw no evidences of heroin at that time. I did see exchanges within the confines of the classroom of barbiturates, some marihuana, and some evidences of hashish. I made no arrests within the school because my stay there was brief and one student's brother had overdosed, which set in a little bit of panic among the students, so I was not able to make any purchases there.

Mr. PHILLIPS. Was there a grammar school connected with St. Anthony's?

Miss CONLON. Yes, there was.

Mr. PHILLIPS. Tell us whether any of the drugs had flowed over or had any effect on the grammar school.

Miss CONLON. Well, in speaking with some of the students in the grammar school it was discovered that they had been approached by some of the senior members in the school to either sell drugs or in some cases these kids were asked if they would like to try the drugs, in the hope that if they once became addicted to the barbiturates, eventually, too, they would sell them.

Mr. PHILLIPS. How old were the children in the grammar school?

Miss CONLON. Under the age of 12 or 13.

Mr. PHILLIPS. Going back to Charles Evans Hughes, what was the age of the students who attended that school?

Miss CONLON. From 14 to, perhaps, 20. They may have had students there a little older.

Mr. PHILLIPS. Charles Evans Hughes is a public school?

Miss CONLON. Yes.

Mr. PHILLIPS. And it is supported by the city of New York?

Miss CONLON. Yes.

Mr. PHILLIPS. St. Anthony is a private high school?

Miss CONLON. Yes, it is.

Mr. PHILLIPS. It is financed primarily by the Catholic Church?

Miss CONLON. It is a tuition school. It is a Catholic school.

Mr. PHILLIPS. Can you tell us what that religious order would be?

Miss CONLON. I don't know the order of the nuns. I believe the priests there are Franciscans.

Mr. PHILLIPS. Did there come a time immediately after leaving St. Anthony that you went to Springfield Gardens School?

Miss CONLON. Yes, there did.

Mr. PHILLIPS. Where is Springfield Gardens located?

Miss CONLON. It is located within Springfield Gardens in the county of Queens. It services the children from Rosedale, Queens Village, and Springfield Gardens.

Mr. PHILLIPS. What is the economical makeup of the families of the students attending that school?

Miss CONLON. It is a middle-income school.

Mr. PHILLIPS. What did you find the situation to be, in relation to student drug abuse?

Miss CONLON. Based on my observations in 1969, I would say that approximately 75 percent of the enrollment was using narcotics of some form and that between 35 and 50 percent were on heroin.

Mr. PHILLIPS. Did you make any purchases of drugs there?

Miss CONLON. Yes, I did. I was responsible for approximately 10 arrests of pushers in the school.

Mr. PHILLIPS. Wasn't there a particular pusher in that school who had a substantial amount of money for a student?

Miss CONLON. Yes; there was.

Mr. PHILLIPS. Would you tell us about that?

Miss CONLON. There was one individual who used to start selling his narcotics at 7 o'clock in the morning on the school property, at the edge, on the corner. He would come out between 7 and 7:45 and sell approximately $500 worth of heroin to the kids coming into the high school, and servicing other students and other youngsters in the neighborhood.

He would then go into class where he would set up his business for his lunch hour and he would come down between 11:30 and 12:45 and again sell another $500 worth of drugs, or perhaps even higher on a good day.

He would then go back into school and then come out and service the remainder.

This school operates on a two-session level. There are two groups of kids coming in, one in the morning for the early session, one in the afternoon for the late session. This pusher saw to it that he serviced both sessions. He had dealers out there working for him who returned to him a quantity of money each day. Three times a day a fellow would pull up in front of the school in a Volkswagen automobile, with a German Shepherd at his side. He would come out and pick up a quantity of the money that this man had made from selling heroin to the students.

Mr. **Phillips**. How old was the man making the pickup?

Miss **Conlon**. I would say he was between 35 and 40 years old.

Mr. **Phillips**. How old was the boy or the man who was actually doing the selling on the street corner?

Miss **Conlon**. 19 years old.

Mr. **Phillips**. And he had other people working for him, is that correct?

Miss **Conlon**. Yes; he did.

Mr. **Phillips**. You estimate he had how many people working for him?

Miss **Conlon**. At least three that I know of. He also tried to have me go to work for him.

Mr. **Phillips**. Could you tell us about that?

Miss **Conlon**. His approach toward me?

Mr. **Phillips**. Yes.

Miss **Conlon**. I purchased narcotics from him on two occasions and I inquired about his business; Was it lucrative, et cetera? He told me he could set me up quite nicely. He had one white girl who worked with two blacks. The two blacks would stage a fight in the street. The white girl would go up and steal a pocketbook from one of the bystanders. They had an organized network set up whereby they would go into the school and rifle the lockers. These goods confiscated were returned to him in exchange for narcotics. He asked one of the girls if she would consider going into prostitution. This girl was 16 years old, but addicted. And he started cutting off her supply. She was a little concerned about whether she should or should not do this, but her arm was overtaking her. At the conclusion of my operation there, I made recommendations to the school authorities that some guidance be given this student, as she was only 16 and was still at an age that she could be helped. They said they would take it under consideration where she got some psychiatric or medical assistance. He had three other girls in the school—I know of three others—who were involved with him.

Mr. **Phillips**. Did you observe the general characteristics of the students, how they appeared, and whether they were under the influence of drugs in this particular school?

Miss **Conlon**. While I was working at Springfield Gardens, I attended classes as a student. Sitting in various classes I would observe kids coming in in a stoned condition. What we mean by "stoned" is that the person was under the influence of narcotics. They would walk into the classroom, bobbing and weaving from side to side. They would go and sit in the back and nod out. They went unrecognized by the teachers—unattended. No recommendations were sent down to have these kids put into the infirmary or to have their parents contacted. I myself went into a class pretending to be under the influence of narcotics, making a spectacle of myself in the classroom, causing a disturbance, and nothing was done. I went undisciplined, unreprimanded. They didn't even have the decency to throw me out of the classroom. They just said, go to your seat, don't make trouble. And I'd go somewhere else, I did everything possible to get some recognition out of the teacher and I got nothing.

Inside one of the classrooms, a student came in one day and was causing an uproar in the room. The teacher said, "Why don't you go outside and take something and come back in a more relaxed manner?" Taking something meant go outside and get a fix or take a pill, take a downer, but don't come back into her classroom and make trouble.

Another boy asked for a pass and she said, "What do you want a pass for?" He said, "I want to go out and smoke a joint," and she gave him a pass.

Mr. Phillips. Did you have occasion to go to the infirmary in that school?

Miss Conlon. Yes; I did.

Mr. Phillips. Would you tell us about that?

Miss Conlon. I complained to a teacher that I felt faint so she sent me to the infirmary. Once inside there, I saw several girls who appeared to be under the influence of narcotics of one type or another. One girl, I actually observed tracks on her arms. Their parents were called up or sometimes they were sent home alone, with just a phone notification to see if they got home.

But the schools didn't seem to do anything about the problem. The reports said nothing about narcotics, just simply that they weren't well or that they had stomach pains.

Mr. Phillips. And they were sent home by themselves or with a brother or sister who might be in the school?

Miss Conlon. That is correct.

Mr. Phillips. In addition to the sales you made, did you observe people using narcotics in that school as well?

Miss Conlon. Yes; I did.

Mr. Phillips. Tell us about that, and where you observed it in the schools?

Miss Conlon. Inside the restrooms I observed two girls getting off on narcotics on two separate occasions. There were many evidences of glassine envelopes secreted beyond the radiators and stuffed up behind the toilet facilities.

In the outside areas of the school where you might play handball or football, you could see kids sitting about, some snorting coke, or doing a little heroin, or perhaps a little speed, smoking a joint now and then.

There were people loitering around for purposes of buying or selling narcotics. There were other little kids from the neighborhood there also to purchase narcotics.

Mr. Phillips. To your knowledege, was the school administration doing anything about this situation?

Miss Conlon. Well, we had the cooperation of the dean. He sent for us. We did have the cooperation of one teacher who knew I was in there. They helped us out. But the principal didn't know I was there and I was told not to tell him.

Now, why, I don't know. They didn't obstruct us in any way, but we were asked not to make any arrests inside the school if possible.

Mr. **Phillips**. Did there come a time when you went to Bowne High School?

Miss **Conlon**. Yes; there did.

Mr. **Phillips**. That was in October or November of 1969?

Miss **Conlon**. That is correct.

Mr. **Phillips**. What type of school is that?

Miss **Conlon**. It is a middle-income to upper-income neighborhood. It is predominantly white. It is located in Flushing, in Queens, and approximately 50 percent of the students are on something, one type or another. I was able to purchase all types of narcotics in John Bowne. I bought some speed, I bought some LSD, I bought some marihuana, I bought some heroin, and I bought some barbiturates. I encountered one individual there who was actually stealing chemicals from the chemistry lab in order to manufacture his own LSD. He had a small mill and he would come into the school and sell the stuff.

The kids would leave the John Bowne campus and go to the adjoining campus of Queens College where they would nod out, sell their drugs, get off, steal. We asked the Queens College people if they would permit us on their campus in order that we might carry our operation over to there. This request was denied and we were forced off their grounds. We couldn't take the pushers out of their property. We had to go back to the high school.

Mr. **Phillips**. You explained to the college that there were high school kids who were buying drugs in the high school and going over and nodding out in the college; is that correct?

Miss **Conlon**. Yes, we did.

Mr. **Phillips**. That was explained to the college administration?

Miss **Conlon**. This was explained, insisted upon, and still nothing was done. And to this date, nothing is done. We still can't get into Queens College.

Mr. **Wiggins**. Would the gentleman yield?

Mr. **Phillips**. Certainly.

Mr. **Wiggins**. Is there some peculiarity in the New York law that prevents a law enforcement officer from going on private property for the purope of effecting an arrest?

Miss **Conlon**. The problem is not that you can't go in and effect an arrest. The problem is one of peace and tranquillity. If we go into a college campus we are going in as two police officers amongst so many. You have groups of organized students—S.D.S., students bound to cultural areas who are pronarcotics, who will give you up in a moment, who will obstruct justice in every way. We had an instance in Long Island University where we could not take an arrest on campus. As a result, we had to escort a boy out of that school without our weapons drawn, without searching him, knowing that he carried a gun. He knew he had immunity while within the confines of the college. The minute he hit the end of the college grounds, he bolted, he ran, he turned with his gun and he was killed. This is a very serious thing.

We try to cooperate with the schools. We don't want to conflict with the students. But we don't want to sacrifice our police officers either.

Mr. WIGGINS. I understand. When you say, therefore, that you are forbidden from entering the campus, what you really mean to say is that you did not have the cooperation of the school administration in performing your functions?

Miss CONLON. That is correct. And they would do everything in their power to give up my identity if they knew I was there against their wishes.

Mr. BRASCO. But, Detective, I think what you are trying to say, if I may, is that you obviously need the cooperation of the educators at the institution you are going into so that in the event there is the possibility of trouble, because they know you are there the degree of safety is greater.

Miss CONLON. That is part of it. If we have the full cooperation of the school authorities, then we have cooperation in the positive identification beforehand of the defendants. If we can identify our people prior to their arrest we don't have to arrest them on the school property. We can go to their homes early in the morning, late at night, or at anyone's convenience, and effect the arrest there. We don't always know who we are buying from.

Mr. PHILLIPS. In other words, you know the individual, but you don't know his name or address?

Miss CONLON. That is correct.

Mr. PHILLIPS. He might have a nickname or something else?

Miss CONLON. Most times they do.

Mr. PHILLIPS. In addition, it would be helpful to you in a campus or in a school to have a program card and have the identity of being a student?

Miss CONLON. That is correct.

Mr. PHILLIPS. You would normally approach the principal and say, "can I have a program card or an I.D. card so I can get into the library?" Things of that nature can assist you in your investigation.

Miss CONLON. Yes.

Mr. PHILLIPS. So as far as Queens College was concerned, they would not assist you in any way; in fact they discouraged you entirely?

Miss CONLON. That is true.

Mr. BRASCO. When was that?

Miss CONLON. This particular incident was in 1969, but I just recently tried to gain admission to the Queens College campus and it was again denied me.

Mr. BRASCO. I just wanted to pinpoint the time, Detective.

Miss CONLON. Since the first of the year.

Mr. BRASCO. In relation to Bowne, I think you arrested eight people there?

Miss CONLON. That is correct.

Mr. BRASCO. What were the age levels of the people who were selling drugs in that particular school?

Miss CONLON. Between 15 and 19.

Mr. BRASCO. What percentage of the students enrolled in that school would you estimate are involved with drugs?

Miss CONLON. Approximately 50 percent.

Mr. **Brasco.** Is that hard drugs or soft drugs, or how you would classify it?

Miss **Conlon.** I can't. I don't have a good estimate there.

Mr. **Brasco.** What is the economic composition of the families of the students involved in taking these drugs?

Miss **Conlon.** Middle-income students. Some of them were good students in the school, academically speaking. But they were experimenting and they did enjoy getting high. They were not discouraged from this by the school. They would go to class this way. Nothing was done to curtail the drug activities. I have been back since, within the past 3 months, and they have tightened up on their security in letting outsiders in. But still you see the kids coming out of the school in a drug-affected state. So there are still drugs being abused within the confines of the school.

Chairman **Pepper.** I am sorry, there is a quorum call. We will take a temporary recess.

(A brief recess was taken.)

Chairman **Pepper.** The committee will come to order, please.

Counsel will resume questioning.

Mr. **Phillips.** I think, Miss Conlon, when we recessed we were talking about John Bowne High School in Queens. The time we were talking about was November of 1969; is that correct?

Miss **Conlon.** Yes.

Mr. **Phillips.** I asked you what type of students were there. Could you give us an estimate of the IQ or background of the students who were using drugs?

Miss **Conlon.** I would say that they were in perhaps the middle part of their class, academically speaking. I don't think they could be classified as failing students. They did attend classes, they carried books. It is my opinion that they would be perhaps classified as good students.

Mr. **Phillips.** Did you observe drugs secreted in various places?

Chairman **Pepper.** Excuse me, Mr. Counsel.

Before you leave that point, Miss Conlon, Mr. Baden testified before our committee on Monday of this week in New York. In his opinion, the people who use drugs, the youngsters, were primarily the ones who were ill adjusted, who were in some way or another unusual or had peculiar behavior patterns, and the taking of drugs was simply one manifestation of the conduct of that young person. They were troublemakers, they were disagreeable, disturbing in class, and they participated in disruptive, sometimes violent, activities. That left the impression with me that that type of individual was the one you primarily look for as the drug addict. How does that square with your findings?

Miss **Conlon.** Well, there are many sides to it. When you see the student who is causing trouble in class, this may be a cause, or this may be because of his addiction. His body is going through many changes. He might possibly be in what we call a sick state, meaning that he needs a "fix." He becomes very jittery, very tense, very emotional, very high strung.

Now, when you talk about drugs such as acid or barbiturates you are taking a different type of person. You are not with the addict. You have different problems.

I visit the homes of many of these kids and they come from good homes with good parents. But oftentimes the one factor missing is discipline. They may be maladjusted. I am not a psychiatrist. I am not in a position to really judge their mental state. But kids are kids. Many of them are typical American kids. But they are into drugs for experimental purposes, for the thrill of it all, not realizing the damage this can cause.

When you have heroin, you have a different problem. You have a lot of people who come from the ghetto areas and they have sociological and economic problems. They have, perhaps, a lack of education or no supervision at all at home. They have parents who must go out to work. These are other aspects.

You have different problems with the addict than you do with the person who is experimenting. Mr. Baden is not wrong in what he is saying. I agree with him to a degree. But I don't always look for the troublemaker; sometimes the A student, the fellow with the scholarship, is one of your biggest pushers. I look for the pusher rather than the addict.

Mr. PHILLIPS. In addition to the pushers and the addicts, are there other people called gophers?

Miss CONLON. Yes; there are.

Mr. PHILLIPS. Would you tell the committee what a gopher is?

Miss CONLON. A gopher is usually a user of narcotics and he obtains his narcotics by running the drugs. He will take your money and go to the pusher. He will make a deal with the pusher to get five bags of dope for your $40, your money that would ordinarily buy four bags. Because he is bringing this extra business in the pusher will accommodate him with a bag or two bags, depending on how large the buy is.

Mr. PHILLIPS. In other words, he is an intermediary in the scheme and he makes a profit on buying drugs for a purchaser?

Miss CONLON. That is correct.

Mr. PHILLIPS. But he is not really, at your point, a pusher?

Miss CONLON. No; he is not.

Mr. PHILLIPS. In your work, you would aim to get the pusher rather than just the gopher?

Miss CONLON. Usually I would say to this individual, I am not giving you my money; either take me to your man or I will go somewhere else. For the most part, they will say, could you give me a dollar or $2 and I will give them the money. I mean after all, they are doing something for me, indirectly. They are taking me to the pusher, which is my main concern. So I will give him the $2, have him make the introduction, and he goes on his way. And now I have the pusher.

Mr. PHILLIPS. Tell us how the pusher would dress or appear.

Miss CONLON. We would look like any other student. If the area in which we are working calls for bell-bottom dungarees and a dungaree jacket, that is what he would have on. If it is beach time and you are on the beach—and there are pushers on the beach—he is in a bathing suit. If he is in a discotheque, he will be dressed the way the rest of the kids are. There is nothing outstanding. They don't have marks on them to say, "I am a pusher."

Mr. PHILLIPS. Would they have more money than the other kids?

Miss CONLON. Definitely. Much more money.

Mr. **Phillips**. At John Bowne, did there come a time when you observed stashes of heroin, things of that nature?

Miss **Conlon**. Yes. The kids would take the money and secret it in a locker—I am sorry, not the money, the drugs. They would put them in the locker. When you would give them the money, they would go to the locker, retrieve the drugs, bring them back out to you. We had a case of a stash in Springfield High School where we found the drugs taped to the top of a door in a stairwell. This is where he had his stash. The team came in and retrieved the stash and vouchered it.

Mr. **Phillips**. What type of drug was in this stash taped to the door top?

Miss **Conlon**. Heroin.

Mr. **Phillips**. Do you remember how much?

Miss **Conlon**. Ten bags.

Chairman **Pepper**. You mean ten $5 bags?

Miss **Conlon**. I don't know what that particular person, whoever he was, was going to charge for them.

Chairman **Pepper**. By the way, Miss Conlon, when we held our hearing in New York in 1970, we were instrumental in getting one of the envelope companies that used to sell glassine envelopes used to package heroin to stop selling those. In what sort of a package is heroin being dispensed now by the pushers in New York?

Miss **Conlon**. It is sold in looseleaf, in Chinese noodle bags, in tinfoil, waxpaper, or anything else that will hold powder.

Chairman **Pepper**. Are they still in those glassine envelopes?

Miss **Conlon**. They have bigger envelopes now, but they are still glassine.

Chairman **Pepper**. Thank you.

Mr. **Phillips**. Were there students and nonstudents involved in the drug activities at John Bowne?

Miss **Conlon**. Yes.

Mr. **Phillips**. Tell us about that, please.

Miss **Conlon**. Well, you have people such as myself coming into the school and purchasing narcotics for purposes, they thought, of use. Just as I came into the school as a stranger, so did other kids. I met several of them, hung around with them, took them places in my car and got to know them. I knew for a fact they didn't belong to Bowne. Yet, they were free to roam the halls.

Mr. **Phillips**. No effort was made to keep these children out of the school at all?

Miss **Conlon**. They had teachers aides, but you know, a kid today, if he is really determined enough, he can really scare off an aide. What is she going to do to you, hit you?

Mr. **Phillips**. Would you say there was any evidence of fear in some of these schools you operated in?

Miss **Conlon**. Yes.

Mr. **Phillips**. Would you tell us about that?

Miss **Conlon**. When I was in Springfield High School, I was accosted one day by a teacher's aide while with several other students. We were all going to be involved in drugs. She tried to stop us and we just pushed her out of the way—like, you know, get out of my way, woman, don't bother me, I have something to do—and that was it; it just stopped there.

This goes on in many of the schools. I have seen where teachers have been bullied in classrooms and told what they could do to themselves in rather ungentlemanly terms. And it is tolerated. And some of the teachers really have fears of these kids. They are tough. They carry knives, they carry guns.

Mr. Phillips. I have in my notes, Miss Conlon, a notation about Queensboro Community College about this time. Did something occur at Queensboro College in relation to methadone, at this particular time in your experience?

Miss Conlon. Yes; I was purchasing methadone from a person who was in the methadone program. He would bring his methadone to me and I would buy it for $10. Then he would take the money and invest it in heroin.

Mr. Phillips. The fellow was going to Queensboro Community College?

Miss Conlon. That is correct. I had met him on the street in Flushing and had conversations with him about the purchase of narcotics and he brought me to a couple of heroin pushers who I purchased drugs from, and I said, "You know, I hate to be sick, the weekend is coming." He said, "Come up to the college. I deal methadone up there."

I said OK and I went to the college and I did, in fact, purchase methadone from him. He also took me to three pushers in the school that were selling heroin. One of them was the biggest pusher in the college. We were able to arrest him and he is presently awaiting a jail sentence.

Mr. Phillips. That was a pusher at Queensboro Community College?

Miss Conlon. That is correct.

Mr. Phillips. He was the key pusher on that campus?

Miss Conlon. Yes; he was.

Mr. Phillips. When was that you were able to apprehend him?

Miss Conlon. That was just in April of this year.

Mr. Phillips. And the methadone incident happened in April of this year?

Miss Conlon. Between January and April.

Mr. Phillips. Later you had occasion to go to Forest Hills High School?

Miss Conlon. Yes: I did.

Mr. Phillips. Roughly, when was that?

Miss Conlon. That was in October of 1969, also.

Mr. Philips. What did you observe at Forest Hills?

Miss Conlon. I wasn't there long enough to draw any conclusions as to the percentage of drug abuse within the school. I was brought in by the security people without the knowledge of other school officials. I was informed by the security people that on many occasions they had confiscated drugs, but that no arrests had, in fact, been effected. He asked if there was anything we could do.

I went in, but not knowing anybody in the school I wasn't openly accepted, and not being enrolled in the classrooms, of course, I could make no friends. I did see evidences of drug use, though. I saw kids snorting coke, snorting dope. I did see many kids roaming around school with track marks and I saw evidences of gimmicks—bottle caps and syringes in the bathrooms, and in the locker rooms. I saw glassine envelopes disposed of, and tinfoil, all rolled up and thrown on the floor.

Mr. **Phillips.** You were unable to make any cases there?

Miss **Conlon.** I couldn't do anything.

Mr. **Phillips.** You weren't there even long enough to determine how many of the students there were involved with drugs?

Miss **Conlon.** No.

Mr. **Phillips.** But they had a problem?

Miss **Conlon.** There was a problem there; yes.

Mr. **Phillips.** Did you then go on, in January of 1970, to Grace Dodge School?

Miss **Conlon.** Yes; I did.

Mr. **Phillips.** Could you tell us about that?

Miss **Conlon.** In January of 1970, we were called to a meeting with two officials from Grace Dodge High School, at which time a program was mapped out to us on how we would work within their school system. A teacher was notified that I was coming in as a new student, a problem student, and that she should make arrangements for me. My two partners were given assignments as teacher's aides in the school and given a post.

Mr. **Phillips.** What is the racial composition of Grace Dodge?

Miss **Conlon.** The school is 90 to 98 percent black and Puerto Rican.

Mr. **Phillips.** Did the school specifically request a police officer of Caucasian origin?

Miss **Conlon.** Yes, they did; they specifically requested me.

Mr. **Phillips.** Was it pointed out to the school officials that a white undercover operator would have extreme difficulty working in that particular school?

Miss **Conlon.** Yes, I pointed it out myself on several occasions. I didn't want to go into the school because of this. I didn't feel that I could be effective. But still, the school officials insisted and we said, OK, we will cooperate to the fullest.

Mr. **Phillips.** Could you tell us what kind of cooperation they extended to you?

Miss **Conlon.** Well, I arrived in school on Monday morning, and so did my partners. They were given fixed posts in the hallway. They were seated at desks as teachers' aides. I was escorted to my classroom where I found that no provision had been made for me at all—no desk, no chair—and I was seated up in the front of the room with the teacher.

After a short period of time within this class, which after looking around I discovered I was the only white person in attendance that day. While talking to the kids, I found out a lot of them were truants, were unwed mothers, and were coming back into the special program to get educated.

I observed the teacher take several of these students to the back of the room and have a conversation with them. Subsequent to this conversation, one by one the kids asked for a pass and left the room. I asked for a pass and it was denied me. I was told I would wait for my lunch period, which was some 3 hours in the coming.

A short time thereafter, one of the students entered the classroom and came back and made the announcement that as a fact, there were two narcotics agents posing as teachers' aides in the hall.

Mr. Phillips. This was how long after you were there?

Miss Conlon. Approximately a half-hour to 45 minutes.

Mr. Phillips. That is an encouraging sign for an undercover operator.

Miss Conlon. I felt great, especially when I was followed by another student who walked up to me and said, "You are an undercover narcotics agent." I looked at her and my face almost fell to the floor, because I had no idea where she had dreamed this up.

I finished out the class. I later met with my two partners during the lunch period and we discussed the problem and they said they, too, had been confronted with the facts of their identity and mine and they said the students knew exactly who we were.

We called our office. We made mention of this to the school officials and checked the fact that my partners had been checked upon every 15 minutes at the school to make sure they were at their posts, not wandering around.

Usually when you go into a school and it is cooperative at all, they give you passes so you can roam the halls without being stopped by the diligent teachers. Grace Dodge made no provision for me at all to go into locker rooms, bathrooms, or even roam the halls. If you walked around the perimeter of the school, you would see hypo needles thrown about, glassine envelopes, tinfoil. They had a definite problem but they would not recognize it.

Mr. Phillips. Do you think that the teacher who taught the class that you were assigned to was instrumental in advising people of your identity?

Miss Conlon. Not only do I think the teacher was, but I think the school officials who called us in were, because the terminology used by these students is not the usual terminology of a kid. A kid will usually confront you and say, "Hey, you are a narc or the man," or "the narcos are here," not a narcotics agent. It is too sophisticated.

Mr. Phillips. Would you tell us where Grace Dodge School is located?

Miss Conlon. It is located in the Bronx at approximately Cretona Avenue and, I believe, 170th Street or 188th Street.

Mr. Phillips. In February of 1970, did you go to a school in Brooklyn?

Miss Conlon. Yes; I did.

Mr. Phillips. Was that Fort Hamilton High School?

Miss Conlon. Yes: it is.

Mr. Phillips. Could you tell us what you found at Fort Hamilton High School?

Miss Conlon. Fort Hamilton had a twofold problem. They had one portion of the population of the school dealing heroin. This was primarily the black population. They had the white population dealing barbiturates, amphetamines, and grass. I went in with an informant who was not really in with the heroin group, so I had to make a choice: Do I try to penetrate this close-knit group as a stranger and buy the heroin or do I take as many of the pill pushers out as I can, because the barbiturates seemed to be doing just as much damage? I had more information to work on with the barbiturate kids and I had little time to do it in. So I chose the road of the pill.

Once inside the school, I attended classes, I roamed the halls, worked in the cafeterias, and I was able to purchase drugs, purchase barbiturate pills, from eight separate pushers.

Mr. PHILLIPS. Did you come to an opinion about the percentage of students in that school who were involved in drugs?

Miss CONLON. I would say at least 75 percent were involved in drugs of some type and approximately 40 percent were involved in the use of hard drugs such as heroin.

Mr. PHILLIPS. We heard testimony yesterday concerning what happened to the eight students who were arrested for the sale of pills in that particular school. Could you tell us, in your own words, what happened on the night of the arrest in that particular case?

Miss CONLON. On the night of the arrest, I went along. The students in the school had discovered that I was a police officer. So I felt, well, okay, I will go with the fellows when they pick these kids up.

We went along. One by one, we picked them up. We came to one individual and when this party was brought out of the house with the parent, I heard the parent say to my fellow officers that he, in fact was a personal friend of Mr. Gold, the District Attorney of Brooklyn, and that the matter would be taken care of.

Mr. PHILLIPS. What was that man's name, the man who said that?

Miss CONLON. I don't believe I can give that, because there may still be some disposition pending. I was advised not to use the name.

Mr. HAFETZ. By whom were you advised?

Miss CONLON. The officials of the police department.

Mr. PHILLIPS. Anyway, this was the father of one of the individuals you arrested; is that correct?

Miss CONLON. Yes.

Mr. PHILLIPS. It was the father of a girl, I take it?

Miss CONLON. That is correct.

Mr. PHILLIPS. Mr. Gold testified before this committee yesterday that, in fact, he did not know this man at all. He didn't know any of the fathers of those particular individuals. It well may be that this individual was bragging and using Mr. Gold's name in an unauthorized and totally unwarranted way. Are you aware of that?

Miss CONLON. I would not say that that is not possible.

Mr. PHILLIPS. Did anything else happen in relation to those arrests?

Miss CONLON. Yes. The following day or two, one of my partners was accosted by Mr. Shambry, who was a county investigator for Kings County. Mr. Shambry asked my partner for my home telephone number, stating that, in fact, I had made a misidentification and that he wanted to speak to me about it. He was told this was not department regulation and that in order to contact the undercover, he must notify the narcotics division.

Mr. PHILLIPS. Did Mr. Shambry indicate that he had been doing this on his own or with someone else?

Miss CONLON. I wasn't there so I really don't know.

Mr. PHILLIPS. Anyway, Mr. Shambry was an investigator in the district attorney's office?

Miss CONLON. That is correct.

Mr. PHILLIPS. And he asked your partner for your telephone number because he stated you had made a mistake; is that correct?

Miss CONLON. He said I had made a misidentification.

Mr. PHILLIPS. Was it in relation to the same defendant whose father had made this statement previously?

Miss CONLON. Yes; it was.

Mr. PHILLIPS. Would you tell us what happened then?

Miss CONLON. The message was carried out and I called Mr. Shambry and, in fact, we had a conversation relative to this particular defendant. I told him, in fact, her identity had been substantiated by the school officials and that through other evidences I had seen in the school we knew exactly who our person was. I had observed her for almost 40 minutes in the cafeteria, so there was no question in my mind. I said, if, in fact, she is not guilty as she says, we will go to a court of law and let a jury decide.

He said, "Oh, no; we are not going to do that." I hung up. That was the end of the conversation.

Mr. PHILLIPS. When he said, "Oh, no," could you tell us what he meant my that? Or could you tell us without any further elaborating that it was not going to go to court?

Miss CONLON. No, there was no elaboration. He was very brief about the whole thing. I was not going to come in and say I had made a misidentification, because I had not. I was there when the girl was arrested. I knew the person. I had notes describing her, my official police notes. She fits the description. There was no reason to doubt, so there was no reason for me to go out and make anything further of it.

Mr. PHILLIPS. Did you hear any more about that particular case?

Miss CONLON. Yes, I did. I received a notification from Mr. Hershey, who is chief of the narcotics division in Kings County, and he requested myself and my two brother officers who had worked at Fort Hamilton to come in and, in fact, make another identification of this particular defendant. We said we would not come in without a superior officer present.

Mr. PHILLIPS. Just in this one case or in all the eight cases at Fort Hamilton?

Miss CONLON. Just in this one case.

Mr. PHILLIPS. The same case where you told us previously that this man had claimed some knowledge of the district attorney?

Miss CONLON. The same case.

Mr. PHILLIPS. Then what happened then?

Miss CONLON. I called the Brooklyn office and I spoke with Lieutenant Fitzsimmons and I spoke with my brother officers, Spinelli and Taylor. The four of us met and went to the Brooklyn DA's office. Once at Mr. Hershey's office, we were called in with Lieutenant Fitzsimmons one by one and asked to pick out this defendant's picture among an array of pictures that were on his desk.

I picked out her picture plus a couple of other pictures of people that I recognized. I briefly stated what had transacted between myself and the defendant in the school. Then my partners came in one by one and went through the same procedure. And it was still insisted upon that we had made a misidentification, that this couldn't possibly be the individual.

And we kept saying, "But oh, yes, it is. I was there, I made the buy, and let's go to court."

Mr. HAFETZ. Were all four officers asked to pick out the picture of the same particular defendant?

Miss Conlon. Lieutenant Fitzsimmons was not. Spinelli and Taylor were.

Mr. Phillips. And they all made identification of that particular defendant?

Miss Conlon. Yes, they did. They had to identify her as the person that they arrested because, of course, although they had knowledge of who she was, she had been pointed out in the cafeteria, they couldn't identify her as the person who made the sale. Only I could do that.

Mr. Phillips. Would you please continue? Was there anything else?

Miss Conlon. Yes. Meanwhile, now, I am calling the grand jury every working day to find out when, in fact, I am going to get a chance to present my cases to the Brooklyn grand jury. And every day I am told it is not on the calendar, it is not on the calendar.

We come into the month of May, when there is a slight reorganization in the Brooklyn DA's office and Mr. Hershey is relieved of some of his duties pertaining to the undercover unit and the coordination between us and the grand jury and a Mr. Rosenbaum takes over.

On one day, I receive a subpena to come in and, in fact, indict one of the eight. I was very surprised and I went down. We did receive an indictment by the grand jury, No. 1987-70.

I then returned to my office and later that afternoon, I received a telephone call from Mr. Hershey, who is the chief of the narcotics division, county of Kings.

Mr. Phillips. You say that you did appear before the grand jury?

Miss Conlon. Yes, I did.

Mr. Phillips. You did testify about the sale in one case?

Miss Conlon. That is correct.

Mr. Phillips. And that is one of the cases from Fort Hamilton?

Miss Conlon. That is correct.

Mr. Phillips. You say the indictment was voted by the grand jury?

Miss Conlon. That is correct.

Mr. Phillips. You then left there and went back to your job, is that correct?

Miss Conlon. That is correct.

Mr. Phillips. Left the grand jury, which is in a different office from where you normally work?

Miss Conlon. It is in a different borough.

Mr. Phillips. Could you tell us what happened?

Miss Conlon. That afternoon I received a telephone call from Mr. Hershey. To be brief, he asked me how the hell I got that indictment in. I said I don't know. I received a subpena from the county of Kings and I went and presented my evidence. He informed me that he would have to go before the grand jury and have that case dismissed.

I asked him why. I said it is a good case, there is nothing wrong with it, the grand jury accepted it and they voted on it.

He said, no, because what they did for one, and that one being, and he named the person by name, the defendant whose parent referred to Eugene Gold as a personal friend, he said that what he did for her, he must do for the rest.

I didn't understand this at all. I said to him, "How much did it cost her and her family to get all eight of them off the hook?"

And he paused for a moment, and then he said to me, "We won't go into figures or any other matter involving this case over the telephone." And I said, "Oh, but there was a contract, a contract did go in?"

He said, "I will repeat again, what I do for one, I must do for all." He said after all, these kids go to school together, their parents belong to the same clubs, they live in the same neighborhood, and word gets back.

We then had a conversation relative to another defendant in this case whom another undercover had also had sales on. This other undercover's investigation had nothing to do with mine. It was a street operation, it involved different team members, and the buys didn't go down on the same day, although the same type of narcotic was purchased. This other undercover happened to be in the office and heard me mention Mr. Hershey's name. He said, "Kathy, before you get off the phone, would you ask him when I have to go to the grand jury?" I complied and asked Mr. Hershey when, in fact, this individual could come in to present the case to the grand jury.

Hershey said to me, "Oh, that case is going to be presented with yours. We are going to lump that together, because after all, we can't push one case, they are too close and it will look like we are picking on the kid for the school operation."

So I hung up and I brought this to the attention of my supervisor, who at that time was Deputy Chief Inspector McCahey.

Also during our conversation, Hershey told me these cases were all going to be dismissed.

Mr. PHILLIPS. Did he tell you why they were going to be dismissed?

Miss CONLON. Only because what he did for one defendant, whom he called by name, he must do for all, and they had no intention of prosecuting that case.

Mr. WINN. Would the gentleman yield?

Mr. PHILLIPS. Yes.

Mr. WINN. At any time, did he mention that they were going to have a rehabilitation program, or that their philosophy in that office was to rehabilitate these people?

Miss CONLON. He mentioned a fact of the youth council bureau somewhere in the conversation, a procedure used for students. But when I was in his office and I went to identify this girl, and we can discuss the particulars of the case, he told me that this girl claimed that she had nothing to do with narcotics, so there was no real talk about having her rehabilitated in any way, because she was denying any connection with narcotics.

Mr. WINN. But in this discussion about high school kids, for instance, did he leave you to believe that their philosophy in that office was to try rehabilitation rather than to indict through the grand jury process?

Miss CONLON. He never mentioned rehabilitation to me. In fact, he kept saying they were going to dismiss these cases. He didn't say whether this was the philosophy of the Brooklyn district attorney's office, he made no mention of their techniques over there, but he just kept saying they were going to dismiss these cases without presentation to the grand jury.

Mr. WINN. Thank you.

Mr. HAFETZ. Was that first case you talked about, the one you had the conversation with Mr. Hershey on, dismissed?

Miss CONLON. Was that relating to the girl whose father——

4 OF 6

ED 075 727

1.0
1.1
1.25
1.4
1.6
1.8
2.0
2.2
2.5
2.8
3.2
3.6
4.0

MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS-1963-A

Mr. Hafetz. In the particular case on which you had the conversation?

Miss Conlon. When we had the indictment? That was dismissed; yes.

Mr. Hafetz. In what court, criminal or supreme?

Miss Conlon. Supreme court. Because we went before the grand jury. The only way to get a dismissal is to go back before the grand jury.

Mr. Hafetz. That was a dismissal of an indictment, not a dismissal of a misdemeanor?

Miss Conlon. He had that indictment dismissed. I can verify that information and bring it back to the committee.

Mr. Brasco. Excuse me.

Let me ask you this, Detective. There is something known as the youth council bureau; is there not?

Miss Conlon. Yes; there is.

Mr. Brasco. You are familiar with that program?

Miss Conlon. Yes; I am.

Mr. Brasco. That is, if I remember correctly, a program where a youthful offender would receive certain consideration provided the youth council bureau, which is an independent agency, after speaking to the defendant and the parents, decided that they could take the case in terms of supervision and/or treatment and then make a report back to the court and the district attorney's office.

Miss Conlon. That is correct.

Mr. Brasco. I believe there is a question of philosophy as to what you do with student pushers. In this particular case, they were all pills, not heroin?

Miss Conlon. That is correct.

Mr. Brasco. Do you know whether or not the individual in the case that was dismissed received youth council bureau treatment?

Miss Conlon. I have no personal knowledge of it; no.

Mr. Brasco. Because the district attorney indicated that in the cases that were dismissed they were all referred to the youth council bureau and had received youth council bureau treatment. They had been accepted into the program and then reported back to the court later, and the youth council bureau recommended that the cases be dismissed. Were you able to follow any of them?

Miss Conlon. It wouldn't be my duty as an undercover police officer to take these cases through the court. I only see the final disposition, because for me to go into court I would have to disclose my identity.

But in this one particular instance with this girl that we are referring to, there were many, many denials that she had any connection at all with narcotics. So it never entered my mind that they would have to rehabilitate a person who protested so emphatically.

Mr. Brasco. Well, the question of the treatment is not only a question of rehabilitation, again, if I remember correctly. It is also a question of how you treat the case. Specifically, do you obtain a conviction or, in the case of a youthful offender, do you give them some kind of separate treatment in the hopes that that would be better than the conviction? Am I correct in that being the philosophy?

Miss Conlon. Yes.

Mr. Brasco. So it is a dual philosophy. One side is treatment, with respect to treatment of drug abuse; the other side is treatment, with respect to the criminal conviction; is that right?

Miss Conlon. Yes.

Mr. Brasco. Let me ask you this: Do you believe in that kind of treatment?

Miss Conlon. I believe in rehabilitation for a student. I think a student should have every opportunity possible.

Mr. Brasco. No: what I am trying to find out, Detective, very simply, is whether or not there is—because I listened to your testimony and I admire you as a police officer and, obviously, it is a very courageous job that you do, and I am sure we need more police officers like you. But I am wondering whether or not we are bogged down in a question of philosophy as opposed to an indication that the case had been tampered with. The reason why I say that is I know that the mission of the police officer, having practiced criminal law some 10 years myself, is to make arrests and obviously, after you go through the arrest procedure, and of course, everything that precedes the arrest—exposing yourself, investigation—that you want the case to be pursued in the court as opposed to the other side of the coin, where this kind of treatment is given out. I am wondering whether or not there is a conflict between the philosophy of rehabilitation as opposed to the case being tampered with?

Miss Conlon. Yes; I think there is. As a police officer, working undercover, I have made over a hundred arrests in schools and in playgrounds. Only in these eight cases have I been denied the right to go before the grand jury. I believe the final answer lies with the grand jury. There are sometimes pieces of information about a student that we can give. When we go in, we don't always condemn. Sometimes you might give a recommendation that you feel this kid could get help or that there is a particular reason why this person is involved in narcotics. We are not there to hurt the student.

Mr. Brasco. I understand that.

Miss Conlon. In this case, they didn't know any of the facts in dealing with the cases. They just blanketly said these kids need rehabilitation, without consulting the police officer who was actually involved in the crime with them. This is a case, I think, where we believed that the cases were tampered with.

Mr. Brasco. I appreciate that among other things; many times there is a breakdown of communication between the prosecutor and the police officer, and attorneys and police officers.

Let me ask you this: Was this girl that we are talking about now ever convicted of a crime before?

Miss Conlon. No.

Mr. Brasco. That was her first arrest. What you bought from her was pills?

Miss Conlon. That is correct.

Mr. Brasco. Do you recall the quantity of pills?

Miss Conlon. I had purchased two barbiturates. That is just about what I had bought from most of the kids, two or three.

Mr. Brasco. Did you discuss the case with Mr. Gold at all?

Miss Conlon. No, sir; I did not.

Mr. Brasco. In your other arrests that you are talking about—you know, the over 100—have any of them received youth council bureau treatment?

Miss Conlon. Yes, sir.

Mr. Brasco. In other words, other than the eight?

Miss Conlon. Yes, sir.

Mr. Brasco. In counties other than Brooklyn?

Miss Conlon. Yes, sir.

Mr. Brasco. The reason why I ask that, and I can't—and I suppose any district attorney where you have a large staff can't—vouch for each and every individual on the staff, but it has always been my belief that Mr. Gold was an honest prosecutor. I am trying to be as fair as one possibly can in evaluating everything that went on. So while it has happened in other places, you are particularly concerned about these cases because you weren't consulted, I take it.

Miss Conlon. That is part of the reason; yes, sir.

Mr. Brasco. And because of the attitude of Mr. Hershey?

Miss Conlon. Yes, sir. And because of the statement made by the parent on the night of the arrest.

Mr. Winn. Would the gentleman yield on that point?

Mr. Brasco. Yes.

Mr. Winn. At any time have you been given any guidelines by your superiors that you are to arrest, or try to arrest, only those who are guilty of selling or using heroin?

Miss Conlon. No, sir. We are told to go out and purchase narcotics.

Mr. Winn. Whatever type they might be?

Miss Conlon. Up until recently we were committed to buying everything. Now there seems to be a change in the trend and we are told what to buy by the chief inspector of narcotics. We are not permitted to buy marihuana except under extreme circumstances and if we are inside an educational institution, we are permitted to purchase it. But only inside schools or playgrounds or places that might be frequented by youths.

Mr. Winn. Under these new rules, have they told you not to try to make purchases of barbiturates?

Miss Conlon. No, sir.

Mr. Winn. Have they told you of any other types of drugs other than marihuana that they don't want you to work on?

Miss Conlon. Well, only those with the *Cannabis Indica* origin, which also would consist of hashish.

Mr. Winn. They have told you to stay away from those?

Miss Conlon. Stay away from them: that is correct.

Mr. Winn. I am just trying to find out, trying to clarify in my own mind from some of the testimony we have had the last couple of days, they send you in as an undercover agent with a job, with an assignment to try to arrest those guilty of either pushing—particularly pushing—or those who are users or the ones that have sold to you, right?

Miss Conlon. I make possible the arrest of people who directly sell narcotics to me. Now, if I see someone who is in possession and I feel that there is some merit in arresting them, I would take this intelligence back to my field team, who would actually effect the arrest. I myself as an undercover never make an arrest.

Mr. WINN. You don't make the arrest?

Miss CONLON. No, sir.

Mr. WINN. But the information that you secure is used by your team, then, in the arrest?

Miss CONLON. That is correct.

Mr. WINN. And this same information could be used as a part of an indictment procedure.

Miss CONLON. That is correct.

Mr. WINN. At least that is your understanding of it; is that right? And it has been in the past; is that right?

Miss CONLON. We keep notes, and oftentimes a person might be engaged in conspiracy rather than the actual commission of the crime.

Mr. WINN. You are required to keep official police records and notes; are you not?

Miss CONLON. They are not always official in that they are turned in to the office. We keep our own records. Sometimes you might just want to make a comment about a person and this is put on your own department records, which are subpenable by the court facilities.

Mr. WINN. This is the usual more than the unusual, to keep a notebook or a recordbook?

Miss CONLON. Right.

Mr. WINN. By police officers?

Miss CONLON. Right.

Mr. WINN. Then you were told to lay off the hashish and marihuana, but nowhere have you been given any idea that you were to stay away from other drugs, particularly heroin, I gather.

Miss CONLON. Well, we go after all the other drugs.

Mr. WINN. That is what I mean.

Miss CONLON. Yes.

Mr. WINN. But nowhere in your guidelines have you been told to only try to secure purchases of heroin?

Miss CONLON. No, sir. Our concentration is on heroin. Most of our work is done in heroin-infested areas. But being in the schools, of course, I am exposed to various drugs.

Mr. WINN. Well, I am trying to figure out if we have a difference of philosophy here that is so great that we can't get everybody together. It seems like in some opinion, only if they are users, or sellers, or pushers of heroin are they going to be indicated and if they are involved in any of the other drugs, they are going to rehabilitate.

Miss CONLON. Well, my records indicate that I have gotten indictments on all my pill cases, with the exception of Fort Hamilton.

Mr. WINN. Yes, other than Fort Hamilton?

Miss CONLON. That is correct.

Mr. WINN. Thank you, Mr. Chairman.

Thank you, Frank.

Mr. BRASCO. If I may, the girl we are talking about again. You bought from her and observed her, obviously?

Miss CONLON. Yes, for approximately 40 minutes.

Mr. BRASCO. Well, did you know whether or not she was a user of drugs herself?

Miss CONLON. At the time I was observing her, I saw no evidences of the use of narcotics.

Mr. BRASCO. Did you find out or did you have any information from any source that indicated that she was?

Miss CONLON. No; only that she was dealing them.

Mr. BRASCO. What did it cost, may I ask, for the pills?

Miss CONLON. I paid $1 for two of them.

Mr. BRASCO. Getting back to a question that Mr. Winn had asked, you mentioned to me that there were other cases that went to the youth council bureau. They would be dismissed also? Because that is the eventual disposition of a youth council bureau case, provided that is the form of disposition in terms of the youth council bureau accepting them, going under their supervision and then to report back to the court.

Miss CONLON. Right.

Mr. BRASCO. So that there would be other dismissals, too.

Miss CONLON. There would be other dismissals; yes.

Mr. BRASCO. What we are really trying to find out, again I reiterate, is whether or not this is an effort to tamper or an effort to follow a philosophy that is apparently under great discussion in the country today—legalizing marihuana, doing away with the criminal penalties. I do not know what the answer is myself, but I am trying to find out the answer in this particular set of cases.

Getting back to the identification portion of it. When somebody is arrested they are brought to the police identification bureau for photographing; isn't that correct?

Miss CONLON. Yes, sir.

Mr. BRASCO. Ordinarily, in that type of case, a photo would be used in the grand jury for identification purposes; would it not?

Miss CONLON. I do not use a photo in a grand jury. I never make an identification from a photograph. Either I will make an identification from a lineup——

Mr. BRASCO. I am talking about the grand jury, now.

Miss CONLON. No, when we testify before the grand jury, we have already identified the individual at the time of arrest, or just immediately preceding the arrest, and no mention is made in the grand jury of a photograph.

Mr. BRASCO. They don't?

Miss CONLON. No, sir.

Mr. BRASCO. I know, as an assistant district attorney, when I was before a grand jury, I used to do it that way to make sure of the identification. Otherwise, the grand jury would just have to name an individual.

Miss CONLON. I think it would be a good idea if they brought it back, but I have never done it.

Mr. BRASCO. They stopped that?

Miss CONLON. Apparently so.

Mr. BRASCO. No, because that is the way it was always done. Because identification is always a question.

I am finished. Mr. Chairman, do you want to continue?

Mr. PHILLIPS. I believe your assignment also brought you to Francis Lewis High School?

Miss CONLON. That is correct.

Mr. PHILLIPS. Will you tell us what happened there in March of 1971?

Miss CONLON. 1970–71. I frequented Francis Lewis on and off. I would say within the confines of this school there is a 40- to 50-percent addiction rate and about 40 to 50 percent are also using drugs of all kinds. I was responsible for approximately eight arrests, which consisted of heroin, amphetamine, and marihuana. The school has a problem, both in and out. They have a lot of loiterers and kids who don't belong to the school coming in and out of the halls, in and around the handball courts, and the gym areas. There is some evidence of narcotics being used on the premises, although it is not as bad as some of the other places I have seen. You will find tinfoil in the cafeteria, some evidence of glassine envelopes stuck up beneath the desks.

Mr. PHILLIPS. Could you tell us how old the sellers were in that particular school?

Miss CONLON. From 15 to 19 years old.

Mr. PHILLIPS. Do you know how you finally got to Francis Lewis? What was the lead you got to conduct your investigation at Francis Lewis?

Miss CONLON. Well, on one occasion that I had to go there I was working on the street and the students brought me in. They were told, you know, come on up to the school, there is a seller there and so and so. I went up and got in and hung around with the kids, because I had an informant. When you have an informant it is a little different, because you don't have to be a student at the school. You can go in as a friend and you may not have to go in the school if the informant is a user and has knowledge of the drug pushers. He can take you to their hangout, to their school.

I hung out with the kids. The person I was working with was in the theatrical end of the world and he had a rock group. I was brought in as his girl friend, who also sang with this group, and I was accepted by the kids automatically.

Mr. PHILLIPS. Is there somebody by the name of Dean Lewis?

Miss CONLON. Yes; there certainly is.

Mr. PHILLIPS. Could you tell me something about Dean Lewis?

Miss CONLON. Dean Lewis is a commentator on WHN. Every morning he has an editorial.

Mr. PHILLIPS. Could you tell us what WHN is?

Miss CONLON. It is a radio station.

Mr. PHILLIPS. In New York?

Miss CONLON. Yes; it is.

Mr. PHILLIPS. What goes on in this radio station?

Miss CONLON. Periodically throughout the week, he will put out a call to the people that if they have any narcotics problem, any information to give, whether they offer this anonymously or sign their name, to send this information to him and he will forward it to the corresponding narcotics unit. I have done a lot of work as a result of Mr. Lewis in the schools. Francis Lewis, in fact, was one of these schools. We got some information from him and as a result of this information, we developed an informant and were, in fact, able to get into the school and be very effective.

Mr. PHILLIPS. So Mr. Lewis' radio program is of some assistance to you: is that correct?

Miss CONLON. Very big assistance. He gives us some good information.

Mr. PHILLIPS. Was there an overdose in Francis Lewis?

Miss CONLON. Yes; there was.

Mr. PHILLIPS. Who overdosed?

Miss CONLON. One of the students.

Mr. BRASCO. Was that at the school?

Miss CONLON. Yes, I believe it was on the grounds of the school. I didn't see it. I heard it from the kids.

Mr. PHILLIPS. Could you tell us what the school administration was doing about this problem, if anything?

Miss CONLON. Not too much. I never got a call from the school to come in, myself.

Mr. PHILLIPS. You got in without the school officials' knowledge?

Miss CONLON. I went in without their knowledge; yes.

Mr. PHILLIPS. And they never requested your assistance, to your knowledge?

Miss CONLON. There was a second occasion. The first occasion that I had to go in there I went in with the sanction of the dean of girls. She was going to set me up with some girl who—it just coincided; she overdosed. And I never got to work in there. That was the last request we had gotten from them.

Mr. PHILLIPS. She overdosed and died or just——

Miss CONLON. She overdosed and went to the hospital. But this was the second or third time it happened to this girl.

Mr. PHILLIPS. There are many overdoses which don't result in death?

Miss CONLON. That is correct. Sometimes they can be pulled out if they have a stomach pump, or if it is heroin they can be given some kind of shot to counteract the heroin.

Mr. PHILLIPS. Did you go to the Staten Island part of New York City?

Miss CONLON. Yes.

Mr. PHILLIPS. Did you conduct an investigation there?

Miss CONLON. Yes; I did.

Mr. PHILLIPS. Could you tell us about Port Richmond?

Miss CONLON. Port Richmond had, I would say at the time I was there, about a 20-percent narcotics problem. I was responsible for three arrests there, one for marihuana, two for heroin.

Mr. PHILLIPS. What period of time was that?

Miss CONLON. That was in March 1970.

Mr. PHILLIPS. Tell us what type of school population Port Richmond has.

Miss CONLON. There is a good deal of black population in the school. It is a mixed school but there are blacks.

Mr. PHILLIPS. You say you had two heroin arrests there and one for marihuana? Did the school officials cooperate?

Miss CONLON. I was there without their knowledge. I walked in and out of the school as if I belonged there and I was never challenged.

Mr. PHILLIPS. Did you also have some occasion to go to Staten Island Community College?

Miss CONLON. Yes; I did. I was requested. We had had an operation in Staten Island Community College where we were obstructed by the school officials from taking an arrest out and, in fact, the field team had to draw their guns in order to keep the other students from interfering with the arrest.

Approximately a week or two later, they had an overdose which resulted in death, in the bathroom on the campus. Immediately, the narcotics office was notified that they had to get an undercover officer to come in to work.

Mr. **Brasco.** And there was an overdose on the campus?

Miss **Conlon.** Yes, sir.

Mr. **Brasco.** You were at Susan Wagner, also?

Miss **Conlon.** No, I was not; I was at Port Richmond.

Mr. **Brasco.** I am sorry. That is where I was mistaken.

Mr. **Phillips.** Did you ever go to Bayside in Queens?

Miss **Conlon.** Yes; I did.

Mr. **Phillips.** What happened at Bayside?

Miss **Conlon.** The first time I was in Bayside High School was in October of 1969, where I made a couple of arrests. One of these arrests was for hashish. I mention this because I arrested this individual twice more in the coming years.

Mr. **Phillips.** May I just interrupt you there. You arrested this fellow three times in how many years?

Miss **Conlon.** From October 1969 to April 1971.

Mr. **Phillips.** Three times?

Miss **Conlon.** Three times for sales.

Mr. **Phillips.** The first time you had him for hash?

Miss **Conlon.** The first time was for hashish; yes.

Mr. **Phillips.** What did you get him for subsequently?

Miss **Conlon.** Heroin and barbiturates.

Mr. **Phillips.** So this fellow was dealing over a period of time with three different type drugs, correct?

Miss **Conlon.** That is correct.

Mr. **Phillips.** The first time you got him was in Bayside, the other two times were elsewhere.

Miss **Conlon.** No, the three times they came from Bayside.

Mr. **Phillips.** You say you worked in Bayside in 1970 and 1971?

Miss **Conlon.** And in 1969.

Mr. **Phillips.** How many sales you were involved in at Bayside?

Miss **Conlon.** In the high school itself, between 20 and 25. Among the kids and in the community, because I had worked there for such a long time, I was responsible for between 60 and 70 arrests. Every one of the arrests that I made was either from a student of Bayside High School or a former student of Bayside High. So in all, we effected about 95 arrests.

Mr. **Phillips.** Tell us whether or not you have had cooperation there?

Miss **Conlon.** I had 100-percent cooperation from the school.

Mr. **Phillips.** And you were able to make a substantial dent in the drug traffic?

Miss **Conlon.** Yes, we were; although recently these school officials had just this past 2 months requested another undercover to come in because they are experiencing a slight problem again.

Mr. **Phillips.** Of the time you were there, what was the percentage of the students who were engaged in narcotics?

Miss **Conlon.** Ninety percent were on some form of narcotics.

Mr. **Phillips.** That is a school in a good neighborhood.

Miss **Conlon.** It is an extremely good school.

Mr. Phillips. That would be upper middle-class people whose children attend there?

Miss Conlon. That is correct.

Mr. Brasco. What I wanted to ask you, Detective, concerns the one individual whom you arrested three times between October 1969 and April 1971. Was he a student?

Miss Conlon. In the beginning, he was a student. After his first arrest, he was expelled and went to Francis Lewis, but he still came back to Bayside High to engage in these drug activities. I saw this individual turn from a pothead into a stoned junky.

Mr. Brasco. How old was he when you first arrested him?

Miss Conlon. Approximately 18 years old.

Mr. Brasco. How did that work out? He was arrested three times. Was his case ever disposed of?

Miss Conlon. He was given YCB treatment.

Mr. Brasco. That is one of those cases.

Miss Conlon. But I had gone to the grand jury with it.

Mr. Phillips. I think you made the distinction before that in all your cases, you went to the grand jury and there was an indictment and then YCB might intervene and dismiss the case, but the only ones you never got to the grand jury on were these eight from Fort Hamilton. Is that the point you were trying to make before?

Miss Conlon. In this particular case, there was no dismissal. Everything was pending, up until the time that he was arrested for the fifth time for sales, when he finally did do some time in jail.

Mr. Brasco. The first case was YCB?

Miss Conlon. Right, but he was still under treatment when we locked him up for the second time.

Mr. Brasco. What happened to him the second time?

Miss Conlon. He got YCB.

Mr. Brasco. And the third case, he went to jail?

Miss Conlon. At the conclusion of my third case; but he was arrested twice more in the interim.

Mr. Brasco. Where was that case prosecuted, what county?

Miss Conlon. Queens County.

Mr. Brasco. The first two were dismissed?

Miss Conlon. They were pending up until the time of the last arrest. We had never gotten a final disposition. They just said he had to go back and report.

Mr. Brasco. No, I mean did the YCB ever make a recommendation in the first case or the second case?

Miss Conlon. Not to dismiss; no.

Mr. Brasco. What did they do with the case?

Miss Conlon. All the disposition we got was that it was still pending.

Mr. Brasco. So you really don't know what happened in those three cases.

Miss Conlon. Ultimately, we were told that all the cases were lumped together and he did do time to cover all the cases. Apparently what had happened was that he was put on some kind of probation period or a time for rehabilitation program. But he kept getting arrested. So they kept extending this period so that finally they had to institutionalize him because he had turned into a junky.

Mr. **Brasco.** The point I am making, Detective, and I think that this is something that somewhere along the way we have to answer, is on the treatment of cases. I assume you don't agree, as a result of your experiences, with youth council bureau treatment?

Miss **Conlon.** I don't disagree. I have seen it work in some cases. I am not opposed to the bureau.

Mr. **Brasco.** Suppose you had to do it tomorrow, what would your position be? Would you agree with youth council bureau or disagree with that kind of disposition?

Miss **Conlon.** I would agree if they would take into consideration all the facts pertaining to a case. If they would, perhaps, interview police officers and the people directly involved with either the crime or the particular individual. I don't think you can rehabilitate or pass judgment unless you have all the facts before you.

Mr. **Brasco.** So then you say that you would still agree, under certain circumstances, with the youth council bureau disposition of a case.

Miss **Conlon.** Definitely.

Mr. **Phillips.** There is a point I wanted to make about Bayside. When you were working in Bayside, did you ultimately get on a higher level pusher who was pushing drugs into Bayside School?

Miss **Conlon.** Yes, we took a couple of people out of there who were doing very heavily in narcotics. One particular arrest was for amphetamines. It resulted in a warrant in a motel within the confines of the precinct, where a large seizure of amphetamine was confiscated. This fellow was distributing the stuff to the students and the students were going and pushing it.

Also related to Bayside, I met a fellow in Rochedale Village in Jamaica and as a result of our dealings he started giving me large quantities of narcotics. He asked me where I lived and since I had known a lot about the community of Bayside I told him I had, in fact, lived there. He asked me to go to Bayside High School in order to sell the drugs that he was supplying me with and also to attempt to recruit from the peer group any young girls, 16 and over, who might be eligible for the business of prostitution.

Mr. **Phillips.** Essentially, you say, this man was a drug peddler?

Miss **Conlon.** He was a distributor.

Mr. **Phillips.** Could you tell us what your relationship to him was? I mean how did you get involved with him?

Miss **Conlon.** I had been working Rochedale Village for a period of time and I guess I had been seen on the street by him. I had purchased drugs from his brother and many of his friends. And one night, I went to call who I thought was his brother and it was him. He introduced himself to me and asked me didn't I get tired of trying to scrounge drugs on the street? I said, "What do you have in mind?" He said, "I would like to set you up in business," and he did just that. He started giving me 24 bags of dope at a time, explaining a whole network of drug traffic to me, and he said that eventually we would be on a 50–50 partner basis.

Mr. **Phillips.** What was the first deal he offered you?

Miss **Conlon.** He gave me 24 bags of heroin. They were 2-grain bags for which I would give him $80 and keep $40 for myself, which meant I was to sell the 24 bags for $120.

Mr. PHILLIPS. In other words, he was in business and he wanted you to assist him in this business, selling the drugs, and split one-third to you and two-thirds to him?

Miss CONLON. At that point, yes.

Mr. PHILLIPS. And he said later on, when business got better, you were to get 50 percent of this?

Miss CONLON. As his confidence in me grew stronger.

Mr. PHILLIPS. Did he ask that you sell the drugs in any particular place?

Miss CONLON. He asked me to sell the drugs in the school.

Mr. BRASCO. I think this is one of the important parts of the hearings, Detective. During the course of your entire work, could you give us your feelings or your observations as to whether or not the pushers that you had an opportunity to encounter as an undercover agent made the schools a specific target in that they believed that schools were the easiest place and most expedient place to sell the drugs?

Miss CONLON. I have heard a lot of talk to this effect among different pushers. The school is like a haven to them. There is a very big business there. It is easier to reach the mass. They can get more money in a shorter period of time returned to them. Once they have you hooked, now you can become a dealer for them. So now you are a different kind of pusher. You are pushing to supply your habit, but you are also reaping the benefits.

Mr. BRASCO. Now, one other extension of that.

The overwhelming testimony thus far has been that on a broad base there is no cooperation on the part of our school system with respect to the types of work you are doing. Would you say that is a correct assessment?

Miss CONLON. I draw a line. As soon as I hear from a team that a school refuses to cooperate under our terms, I tell them "the heck with you, because I am not working in your school."

Mr. BRASCO. I know that.

Miss. CONLON. So I avoid the problem. I only work in places for the most part, unless I have a direct order, that will give me cooperation.

Mr. BRASCO. Do you say there is more cooperation or less cooperation?

Miss CONLON. Less cooperation, definitely.

Mr. BRASCO. As a result of there being less cooperation among the school officials, would you say that in certain schools there is actually a sanctuary for drug pushers; namely, that you can't get in there to get at them because there is no cooperation, so they can operate in the school and on the school premises with complete safety?

Miss CONLON. That is true.

Mr. BRASCO. And that is what we are really talking about, a sanctuary; is it not?

Miss CONLON. That is true.

Mr. BRASCO. And we are really talking about dereliction of duty on the part of the board of education and those school officials who refuse to cooperate with the work you are doing?

Miss CONLON. I will agree with that.

Mr. STEIGER. I wonder, of the 300 busts you made, Miss Conlon, in the 38 months, how many convictions resulted?

Miss CONLON. Between 90 and 95 percent.

Mr. Steiger. That is not indictments. That is convictions?

Miss Conlon. That is convictions, sir.

Mr. Steiger. And of the 300, how many were in the category of the young man you busted three times? Were there many repeaters in your situation?

Miss Conlon. For my own personal self, that was the only one I had ever arrested more than once, but I have knowledge in my department—we recently had a whole program set up where we actually went out, busted people, indicted them, went back out on the street, busted them again, indicted them, went back out on the street for a third time. So the narcotics division does have some record on repeat offenders from the same undercover.

Mr. Steiger. Did you ever bust a teacher or teacher's aide for pushing?

Miss Conlon. Yes: I believe over the weekend there were two or three narcotics arrests for teachers. I, myself, worked on a teacher in Manhattan in his apartment who was inviting students from a school to go in and, although I wasn't registered in the school, I asked my informant there—this was in East Harlem—if she would, in fact, assist me in getting to know this man. As luck would have it, he let us in on the first shot and I purchased 15 decks of heroin from him. He was a teacher in the New York City school system.

Mr. Steiger. How widespread was the teacher involvement, in your estimation? Was it very rare? Could you expect or would you anticipate it in every school?

Miss Conlon. I would say that there is a good percentage of teachers who are involved personally with some form of narcotics—not necessarily heroin. I see much evidence in the school and there are not so many isolated cases, either. In each school I have been in I have found at least one teacher who has advocated the use of some form of narcotics.

Mr. Brasco. May I ask the detective: did you ever report that situation to anybody: namely, the board of education or your superiors?

Miss Conlon. Usually, the recommendation would go to the school officials who had brought us in, as in the case of Springfield High. I brought this recommendation to the attention of the dean of boys who had brought me in to the school.

Mr. Brasco. Do you know if any action was taken in any of those cases?

Miss Conlon. No action.

Mr. Steiger. As far as you know they are still teaching?

Miss Conlon. This particular person is still teaching; yes.

Mr. Steiger. Just one more question.

Miss Conlon, other than the distributor you mentioned who hustled you, how often did you get to the man who was furnishing the pushers?

Miss Conlon. I had many occasions to take what we would classify as the main supplier for a school. In other words, this guy might be dealing drugs, but he also has three or four lieutenants, as we call them, out there dealing for him. In almost every school I have been into I have taken at least one distributor within the school.

Mr. Steiger. Was there any commonality of the distributors' sources that you could determine?

Miss CONLON. No; we sometimes traced it back to a borough. When you are dealing with the schools, sometimes this guy is getting it from another guy who is also a small fry on a long list. So you would have to carry that over a long period of time to get to that one pyramid guy on the top.

Mr. STEIGER. You are a long way from the source, from the distributor, even then, as far as the schools are concerned?

Miss CONLON. In the schools, on the street, even when we take a key man, a man who deals kilos, he is only one small fry. There is still a man on top of him bringing it in.

Mr. STEIGER. And obviously, you have not been able to make the arrests, or I gather you haven't, as far as your work is concerned, you haven't found the key man or the man who furnishes the key man?

Miss CONLON. For myself, I haven't, but the narcotics unit has names.

Mr. STEIGER. I was going to say, among your fellow officers and in the narcotics units, was there a commonality? Is there a general acceptance as to the source, the top of the pyramid?

Miss CONLON. They have, I believe, some intelligence as to where this stuff is stemming from. They are making considerable buys—very, very large buys—and they are working on this intelligence work and it is taking shape. I am not in on the inside so I am not at liberty to really say.

Mr. STEIGER. I understand. Is it coming from New York or is it——

Miss CONLON. I don't know.

Mr. STEIGER. Thank you, Counsel.

Mr. BRASCO. Detective, while drug abuse and addiction is not bacteriologically infectious, it appears to me there is ample evidence to indicate that it is socially contagious or infectious. With that in mind and also with the fact in mind that if you have a student who has the measles, chickenpox, TB, or any other communicable disease, you don't dare let them go to school. There has been some talk about separate institutions of learning or treatment for those who are addicted to drugs. Do you think that that would be an effective program in terms of being a part of a program to stop the spread of drug addiction?

Miss CONLON. To stop the spread of it, you are going to have to take the person away from his entire environment—not just put him in school for part of a day with people who share the same problem with him.

Mr. BRASCO. I am talking about those who aren't addicted up to this point. Would you recommend taking those who are addicted out of that school?

Miss CONLON. Who is going to draw this line? They may not be addicted in the school, but they may be using drugs outside of school. It is very hard to draw that line.

Mr. BRASCO. Let me ask you this: If we could identify those who are addicted to drugs in the schools, from your experience would you say it was the proper thing to do to take them out of the present school system so they don't have an opportunity to spread it, to deal it, and treat them and educate them in a separate facility?

Miss CONLON. Where would you put all those kids? There are too many of them. Your schools would be empty. It would be easier to take out the ones that aren't using some kind of drugs.

Mr. BRASCO. What do you recommend along those lines, if anything?

Miss CONLON. Discipline. Discipline in the homes. And most important, if they are not getting it in the homes, they had better get it someplace and by golly, it had better be in the schools. But the teachers have no backing. It is only a job. All they want is the money. Discipline means love; disciplining means caring; discipline is fear—fear of doing wrong.

That is your only answer. Show these kids you mean business and you are not going to tolerate any monkey business and you are going to see they are going to straighten up and fly right.

Mr. BRASCO. Thank you.

Mr. PHILLIPS. One of the other areas I think we should cover is P.S. 189, a community center in Flushing, Queens. Is that correct?

Miss CONLON. Yes.

Mr. PHILLIPS. Could you tell us whether or not you have had occasion to make the purchase of six heroin sales?

Miss CONLON. Yes, I took six arrests out of P.S. 189.

Mr. PHILLIPS. That might be more than six sales?

Miss CONLON. It is more than six sales. It is six individuals.

Mr. PHILLIPS. How old were these dealers?

Miss CONLON. Nineteen and 20 years old.

Mr. PHILLIPS. Who were they selling to?

Miss CONLON. They were selling to the 13- and 14-year-old kids who frequented the night center.

Mr. PHILLIPS. Could you tell us what a night center is?

Miss CONLON. It is a place established by the board of education to furnish these kids with a place to go. They may play ping-pong, basketball, they play records, they play knock hockey.

Mr. PHILLIPS. Who were the sellers? Was it anybody who had an official position at the night center?

Miss CONLON. There was one individual whom I had the opportunity to arrest who I knew came from Manhattan. I knew friends of his because I had arrested them or I had dealt with them at that end. He had ties into organized crime. I knew this for a fact, because I knew who his tie was and there is something being worked on on that information right now.

He was pushing to the young girls. On one case, he was responsible for taking a girl after school and subjecting her to the uses of narcotics. During the course of this day, he had occasion to engage in sexual intercourse with the girl. She was 13 years old. As a result of this sexual intercourse, the girl contracted gonorrhea.

I took him for two sales with excess of 20 bags of heroin included in the sales. He was known to carry a gun. We made recommendations that he be put away and he got 5 years' probation.

Mr. PHILLIPS. You mean he didn't go to jail at all? He was just put on probation for a period of 5 years?

Miss CONLON. That is correct.

Mr. PHILLIPS. And those facts were brought to the attention of the court, I take it?

Miss CONLON. Yes, they were.

Mr. PHILLIPS. One final question. Taft High School is located in Bronx County?

Miss CONLON. That is correct.

Mr. PHILLIPS. The only thing you can tell us about Taft is that you received no cooperation at all from the school authorities?

Miss CONLON. None whatever.

Mr. HAFETZ. Miss Conlon, were you awarded a detective shield last year?

Miss CONLON. Yes, sir; I was.

Mr. HAFETZ. Could you just describe briefly the circumstances under which it was awarded and by whom?

Miss CONLON. Police Commissioner Murphy gave me my shield at a press conference on August 31 last year. I had been up for the shield for quite some time, but there were no shields available for women. As a result of some cases I had worked on and then when I almost got killed in the Bronx and he decided that this was a good time to make me a detective and give me the shield.

Mr. PHILLIPS. That is a promotion, you would say, given the shield.

Miss CONLON. It sure was.

Mr. PHILLIPS. That is for distinguished work you have done in the police department in making these many cases you have told us about; is that correct?

Miss CONLON. Yes.

Mr. PHILLIPS. It is also in recognition of the heroism you have displayed in going into these various situations unarmed, being of small stature, and dealing with some rather violent people?

Miss CONLON. Did you say unarmed?

Mr. PHILLIPS. Do you go unarmed?

Miss CONLON. I am always armed.

Mr. HAFETZ. Is that extraordinary, to have the shield awarded by the police commissioner himself? Is that standard?

Miss CONLON. It is not standard; no.

Mr. PHILLIPS. I have no other questions, Mr. Chairman.

Chairman PEPPER. Miss Conlon, would it be desirable, in your opinion, for the authorities to establish treatment and rehabilitation centers at the schools where there is a drug problem?

Miss CONLON. So far, we have all these halfway houses and Odyssey houses and Phoenix houses. Many of the drug pushers I meet on the street are either participants in, or past patrons of, these establishments. We can buy methadone like it is going out of style out there. So I don't think these rehabilitation centers are really making a dent or doing anything except giving these people a haven. It has come to my attention many times while working in Queens that when an individual would see his friends getting arrested for sales and he knew he was dealing with drugs, he would have himself signed into one of these places and we couldn't touch him. So he would be in there for a year or so and we just waited. Either you could indict him and pend his release, or you could just forget about it, because they went there as a sanctuary.

Chairman PEPPER. What can we do with the serious drug problem such as we have now in the schools of New York? I suspect we will find a comparable situation in other parts of the country? What can we do, all of the authorities together?

Miss **Conlon**. Well, again, we come back to the discipline problem. It is terrible to say that you should be very firm with a kid, but by golly, you should. If he is guilty of violation of the law, take a firm stand, show him that you mean business, whether it be to institutionalize him in a reformatory for a year or fine his parents an exorbitant amount of money. You have got to get to these people where it hurts, and show that if you are going to violate the law you are going to suffer for it.

As it is now, if the kids are given very lax treatment. They come back with a more cocky attitude than they had before and say, "Ho, ha, I beat the man." That is wrong. Because they are flagrantly abusing the laws and they are getting away with it.

Chairman **Pepper**. In the first place, the school board, I assume the one responsible for the conduct of the schools, should lay down very firm directives to be followed by the school authorities; is that correct?

Miss **Conlon**. That is true.

Chairman **Pepper**. And then the school authorities should be required to make it very clear to the students that they will not tolerate drugs on the premises or the use of drugs by the students?

Miss **Conlon**. I can agree with that; yes.

Chairman **Pepper**. Now, then, what sort of enforcement machinery would you recommend? What sort of enforcement should there be?

Miss **Conlon**. Well, apparently, our jail system isn't working. But if they could be forced into some kind of an institution where they had to undergo treatment, or if you could inconvenience the parent enough to have to come up to school repeatedly, to pay fines, to suffer the embarrassment of these kids, maybe the parents would crack down on the kids and supervise their activities outside of school. If you can curtail it outside, then they are not going to bring the problem inside.

Chairman **Pepper**. Would you advise that the teachers themselves, or the school authorities be the ones authorized and required to identify students who are in the possession of drugs, selling drugs, or using drugs, and then impose the required discipline upon them? Should they invite police cooperation and have police officers on the premises? How would they do it?

Miss **Conlon**. I think if a student knew if he got caught in violation of a drug law inside a school and he knew the school authorities were, in fact, going to turn him over to the legal authorities, perhaps this would act as a deterrent. He no longer would have a haven and he would be identified. Drugs would be confiscated and he might even be arrested. This might deter them from continuing their activities at least within the confines of the schools.

In the schools I have worked in where I have seen strong regimentation on the part of officials, the kids try to hide it from the teachers and they take it outside of the school. So apparently, this strong regimentation from within does work and they take it outside into the street, where at least we can take action more firmly.

Chairman **Pepper**. Somebody before the committee yesterday in New York raised the point that some of the leaders in civil rights movements oppose, very severely, any effort to search schoolchildren or to go and look in their locker or examine other places where they might have drugs concealed. What would you say about that?

Miss CONLON. I think they are deluding themselves, because we are not hurting the bad, but we are protecting the good by these devices. Only when you can confiscate the drugs, do you deprive that pusher from putting that amount of drugs out into the system. I think a law such as that, giving the officials of the school the right to search is good. It is school property after all, and have the kids there supervise it to make sure nothing is stolen. I can see that, or have the parent come up, or some official. But I think it would be a good idea for them to be able to maintain their own groundwork.

Chairman PEPPER. Would the teachers, the principals, the assistant principals, and the like, be afraid? There they are among all those students, many of which are drug abusers. Would they be afraid to inform against those students that are using drugs or possessing drugs?

Miss CONLON. Why should they be afraid? If the legislature will back them, and if these kids know that if they take any repercussions against a teacher or a school official, and that he is not going to hesitate to take some criminal action against the student, then he is not going to beat him up. If we lose our identity as people, we can get beat up in the street. Whether the whole system changes or every system remains the same won't matter as long as they get 100 percent backing. It is a slow process, but as soon as you turn that group of kids out in 4 years and you get a new batch in and you break them in on the ground floor, by the time they are seniors, you are not going to have any problem.

Chairman PEPPER. Would it be desirable, instead of relying upon the principals, their assistants, and the teachers, exclusively, to enforce the rules against the use of drugs on the school campuses, for the schools to have a certain number of people whose duty it would be to see to it that there was not any abuse of drugs on the school premises, insofar as it could be helped?

Miss CONLON. If you could take *x* number of people or teachers in each school and train them properly in the terminology used by the kids, into all the signs and symptoms of drug abuse, into the mannerisms involved with pushers, to be able to recognize a sale when it is going down, to be able to smell the aroma of marihuana in the bathrooms—if you could get an effective number of people trained in this capacity, they could be very effective.

Chairman PEPPER. Suppose a teacher, a principal, or an assistant principal discovered there was a pusher on the premises of the schools—I believe you said they are armed a lot of times.

Miss CONLON. I have seen firearms inside high schools.

Chairman PEPPER. Very well. Now, suppose a teacher, or principal, or assistant principal sees a pusher selling to a student. What does that individual do in that case? Is there a police officer near by to whom a report can be made?

Miss CONLON. Usually there is a police officer assigned to a school post. I, myself, have been arrested in the high schools and I have had the school patrolman come in and take me out. So I know he is there and he is only too happy to cooperate. If he is not available or if he is doing something else, you call the local police authorities. There is usually a school car, a patrol car, that has a certain number of schools to visit within its boundaries. They are open for call at all times. So there is help available, if only they will ask for it.

Chairman PEPPER. The most important thing, then, as you see it, is that there be a firm policy on the part of the school authority, the school board—and we found yesterday and the day before in New York that there wasn't such a policy—that drug abuse on the premises and by the students in school is absolutely forbidden and it is demanded of them that they take appropriate action; that it be made known by the police department and by the district attorney's offices that they will back up the school authorities to the limit in the enforcement of that regulation; that the medical authorities have available treatment and rehabilitation facilities for those that have already become addicted and need help as a part of a general program; would you say something like that would be desirable?

Miss CONLON. I think over a period of time this would work and work very well, if only they would do it.

Also, when you are treating the addiction and you are having these firm rules, you have to also give the teacher the right to discipline her class, because if there can be no monkey business going on in the classroom, you are not going to have any time to deal with drugs. The discipline must carry on throughout the entire school policy, not just limited to the drug addiction.

Chairman PEPPER. Miss Conlon, you are aware, as a police officer, of the grave problem we have with drug addiction with the adult population, or the upper teenage groups—heroin addiction, for example; would you say that the number of addicts is being added to constantly by those who became addicted in the schools?

Miss CONLON. Yes; without a doubt.

Chairman PEPPER. So the problem will be made worse in the population generally by new additions to the addict population in the schools?

Miss CONLON. That is true.

Chairman PEPPER. Is it generally fair to say that relatively little is being done in the New York schools to deal adequately with the problem of drug use and abuse in the schools?

Miss CONLON. The only thing I see done is the small dent that the narcotics people are putting into the schools.

Chairman PEPPER. Do you have any questions?

Mr. Winn?

Mr. WINN. No more questions.

Chairman PEPPER. Mr. Keating?

Mr. KEATING. I would like to ask a few if I may. I realize the hour is late and there are other witnesses.

I would like to inquire from your observations what role you think the teachers could play; then second, that the principals could play; and third, the board of education, in reversing this increase in the use of hard drugs in the high schools in New York City?

Miss CONLON. Well, the chairman and I just went through something relating to that. We kind of narrowed it down to firm discipline, firm backing by Government and legislative officials, and a no-nonsense policy within the school.

Mr. KEATING. Do the teachers actually condone the use of drugs and do they participate in it?

Miss CONLON. They condone it—not all.

Mr. KEATING. Pardon me?

Miss CONLON. Not all teachers, but there is a good percentage.

Mr. KEATING. Do the teachers, when they observe people who are obviously under the influence of drugs, do anything about it, as a rule?

Miss CONLON. No.

Mr. KEATING. Do they do anything to protect students who are accosted by those who need money or are under the influence of drugs?

Miss CONLON. No. Teachers have also been relieved of their funds within schools by the students.

Mr. KEATING. What do the teachers do under those circumstances themselves, the ones who have been relieved of their funds?

Miss CONLON. Nothing. They report it to the police officials and that is about the extent of it, but they still have to go through this mistreatment. No action is taken against the kids.

Mr. KEATING. And whose responsibiliy is that?

Miss CONLON. That is our responsibility as citizens. We should demand better action.

Mr. KEATING. I agree with that, but do the teachers? Are they supported by their superiors in the schools?

Miss CONLON. No; they are not.

Mr. KEATING. Are the superiors ever supported by the board of education?

Miss CONLON. Not to my knowledge. I wouldn't say never, but I would say a good deal of the time they are not supported.

Mr. KEATING. Yet, the teachers play an active role in the identification, the reporting. Would this have a great effect upon reducing the amount of usage by the students?

Miss CONLON. If you could establish enough fear within the confines of the school into these pushers, I believe it would have a good effect on it in the long run.

Mr. KEATING. Now, District Attorney Roberts from Bronx County indicated that there should be alternate schools for heroin users. Do you agree with that?

Miss CONLON. I don't think that solves our problem.

Mr. KEATING. Well, it may not solve the problem, but doesn't it prevent the infection of other students by those who are hard-core addicts?

Miss CONLON. It is not going to put the pusher inside that school. The pusher is still going to be out on the corner selling to the other kids and turning the other kids on.

Mr. KEATING. I am not saying it needs to be done, but isn't it one of the considerations?

Miss CONLON. I personally don't agree with it.

Mr. KEATING. You don't think that should be done?

Miss CONLON. I don't find much merit. I don't think it solves the problem. It just overburdens the system. There is one more school to deal with now. Now you have a school full of addicts. It doesn't do anything. Are these kids going to learn any more? They were truants to begin with for the most part.

Mr. **Keating**. What can be done about the extent of truancy in the schools in New York?

Miss **Conlon**. When I was in high school, if you cut class, you served a detention. Today if you cut class, they thank you for coming in the next day. There has to be some kind of discipline. And it always comes down to that.

The kids come to school unprepared. If I came to school unprepared, I served a detention. No more.

Mr. **Keating**. Where did you go to school?

Miss **Conlon**. In New York?

Mr. **Keating**. In New York?

Miss **Conlon**. Yes.

Mr. **Keating**. Within the teacher community itself, is the teachers' union effective at all in putting pressure on the school board to do something about it?

Miss **Conlon**. I don't think they even try. I really don't. Because you talk to teachers and the attitude is, "Well, I am getting my salary, I have the summer off." So you put up with these little things all year round. They have no interest in the kids themselves.

Mr. **Keating**. Should you have more involvement of the parents?

Miss **Conlon**. Yes. I think the parents should be aware of what their children are doing in school. I think they should have an interest in the parent-teacher activities.

Mr. **Keating**. Is the true picture of the extent of the drug usage in the high schools in New York being told?

Miss **Conlon**. No.

Mr. **Keating**. Who prevents it from being told, or is it just ignored?

Miss **Conlon**. I would have to say that the school officials themselves are not reporting it to the board of education, or, if in fact they are reporting it, the board of education is burying the figures somewhere.

Mr. **Keating**. Is there an active, aggressive campaign to get drug programs or drug education within the high schools by either the teachers——

Miss **Conlon**. Well, as I walk through the halls of the schools and attend these classes, I once in a while run into a drug coordinator who is very closed mouthed. She is absorbing a lot of information but she is doing nothing with it. You will see posters that are made up in the art appreciation classes, antidrug. But as a student in the class I have felt no big push to either educate me in the use or abuse of drugs. I have gotten some education on the use of drugs. I have to change that. But I haven't seen too many effective programs as to what drugs can do to me as a student. So I say, no, they are not doing too much.

Mr. **Keating**. Is there pressure by the high school peer group for others to use the drug?

Miss **Conlon**. There is an extremely large amount of pressure among fellow students—"Come on, let's get high." As in the case of the one individual in Bayside whom I arrested three times. When I first met him, he smoked pot and there was a marihuana panic in the city of New York. During that time, Bayside High was going through a student changeover. And with the new students came the heroin problem and while they were sitting around one day, he was saying, "Oh, yes, I wish I could get high, I want to get high." They said, "Come on, man, we will turn you on to some dynamite stuff." And off they went. They helped him get his first fix, which set him on the way, so he became a stoned junky.

This is common in the school system. Somebody will say, "Oh, downs are no good, we will get you something better." So they help each other, they infect each other.

Mr. Keating. Which is the weakest link in the process: The teacher participation, the principal, the board of education, the law enforcement arm, the prosecution, or the courts?

Miss Conlon. It has to start on the bottom. None of us is any good without the whole picture. If the teacher reports it to the principal and the principal notifies the authorities, the authorities can come in and do something, whether it be the board of education or the law enforcement officials. But if the teacher sees it and it goes unreported, it is no good because then we don't know the problem in there.

Mr. Keating. So you are not getting to first base, is that what you are saying?

Miss Conlon. That is about it.

Mr. Keating. Mr. Chairman, recognizing the lateness of the hour and the other witnesses, I will defer any further questioning I have. Thank you.

Chairman Pepper. Miss Conlon, I want to join my colleagues in passing you the highest possible commendation for your courageous and dedicated commitment to the public interest by becoming a policewoman. I know you have done a splendid job and the whole country is proud of you because you represent the finest type of citizen, who is fearless and concerned and compassionate for people. You try to build a better country, and we are very proud to see an American citizen like you playing such a magnificent role in our country's service. I consider you a patriot in the highest form and sense of that word. We are proud to have had you before our committee.

Good luck. I hope you get more help in the future than you have had in the past.

Miss Conlon. Thank you, Mr. Chairman. If there is any more information I can give to the committee, feel free to call on me.

Mr. Phillips. Mr. Chairman, the next witnesses will be a panel of young people. I think for our record, it might be appropriate to enter their first names only. The first young man is named Joe.

Joe, would you come forward?

Mr. Hafetz, are you going to inquire?

Mr. Hafetz. Yes, just going across, starting from the left. Is that Joe?

STATEMENT OF JOE, BRENDA, JOEL, AND STEVE, ALL FORMER ADDICTS, NOW IN TREATMENT PROGRAMS, NEW YORK CITY, N.Y.

Joe. Yes, sir.

Mr. Hafetz. Give us a little brief background about where you went to school, your age, what you are doing right now.

Joe. I am 17 years old right now. I grew up in Queens in New York. I go to school presently at Mater Cristi High School. That is in Queens.

Mr. HAFETZ. Is that a private school?

JOE. Yes, that is a parochial school.

Mr. HAFETZ. Are you presently in a narcotics treatment program?

JOE. Yes, I am.

Mr. HAFETZ. What program is that?

JOE. Encounter, Inc.

Mr. HAFETZ. How long have you been in this program?

JOE. I am in it now 4 months.

Mr. HAFETZ. Brenda, can you give a brief background on yourself?

BRENDA. I am 20 years old. I attended high school at Julia Richmond in Manhattan.

Mr. HAFETZ. That is a public school?

BRENDA. Yes, it is. I am currently in Daytop Village, Inc., and I have been there for 7 months.

Mr. HAFETZ. And Steve?

STEVE. I am 20. I am in Encounter, Inc. I am not attending school now. I did go to a private high school until about a year and a half ago, 2 years ago, when I dropped out.

Mr. HAFETZ. Do you hold some position in the Encounter treatment program?

STEVE. I am in treatment.

Mr. HAFETZ. Joel, can you give your background?

JOEL. Sure: I am 23 years old, I am a staff member at Encounter, Inc. I attended public schools in New York City for about 15 years. I went to George Washington High School, which is where I started to use drugs. I was expelled from there, went to Taft High School where I continued to use drugs and was expelled from there. After getting into Encounter, I went to high school at night and completed high school when I was 20.

Mr. HAFETZ. What are you doing now?

JOEL. My position at Encounter is twofold. I do the court liaison program and community relations.

Mr. HAFETZ. Joel, can you describe for the court your experiences in regard to narcotics? What age and grade you first encountered it and what your experience in school with it was?

JOEL. OK. I started to use drugs when I was 14, when I was in junior high school, Junior High School No. 52 in Upper Manhattan. The first drug I used was glue and alcohol. I did that for about a year.

I went to George Washington in 1963 and began to smoke marihuana and take barbiturates and amphetamines, which I did for about a year and a half. I had started at George Washington as an honor student and was the first honor student ever expelled from that school. It was a kind of dubious distinction.

My parents moved to the Bronx, so I went to Taft High School, where I started to use heroin. I used heroin for about a year while going to Taft.

Mr. HAFETZ. Did you actually get started in the high school itself?

JOEL. Well, I got started through contacts I had made in the school. I didn't take my first shot in the schools, but it was with people I had met in my English class.

Mr. PHILLIPS. Were they into the drug scene ahead of you? Were they involved with drugs before you were?

Joel. Yes; they were involved on a more serious level before I was

Mr. Phillips. And they induced you to join them?

Joel. No, I sought them out. I was just at the point in my life where that was what I wanted to do. In fact, there was some reluctance on their part about involving somebody who had never used drugs—who had never used hard drugs like heroin. I had to sort of talk them into selling me some drugs.

Mr. Hafetz. Where did they sell it to you? Were any of the sales inside of the school?

Joel. Yes. The first couple of sales I made were at my house. I got people to come over and sell drugs to me there because I bought large quantities. But after that, once I got into it, I bought drugs in the school every day.

Mr. Hafetz. Every day, you say?

Joel. Yes.

Mr. Hafetz. And were you mainlining the drugs?

Joel. Yes.

Mr. Hafetz. Were you actually doing that in the school itself?

Joel. I only used heroin in the school twice, because I didn't think it was a good idea to do that. In case I overdosed or something, I didn't want to get caught.

Mr. Hafetz. But you say you were buying a daily supply in the school itself?

Joel. Yes. I would usually score in the lunchroom or outside the school and then go home. I just lived a couple of blocks from school. And get high at my house.

Mr. Hafetz. How many bags a day were you buying in the school?

Joel. As many as I could. It would vary. I was doing a little petty thievery and a little dealing on the side to keep up with it. If I had a significant amount of money I would buy a significant amount of drugs. If I had $4, I would buy $4 worth of drugs.

Mr. Hafetz. You said you were getting the money for this, in part, by doing some stealing yourself?

Joel. Yes, boosting from department stores and things like that.

Mr. Hafetz. Did the thefts also involve thefts from fellow students in the school?

Joel. No.

Mr. Hafetz. Could you describe how the sales took place in the school? Were you buying from one particular person or were there several pushers?

Joel. Let me dispute the term, "pusher," if I may. Nobody has to push drugs in a school in New York City. It is really a seller's market. I mean if a guy is holding, if he has some drugs and the word gets out, all he has to do is sit in one place and people will come to him. He is not out trying to induce people to buy drugs. That does not occur. Maybe it did in the 1950's, but I have never seen that happen. People seek him out if he has got good drugs, if he has got drugs that are fairly potent, he will select who he sells to. You know, if he doesn't know you, if he knows you only slightly, if he doesn't like you, he will say to take a walk, because he knows if he doesn't sell to you, there are four other people that want to buy from him.

Mr. Hafetz. How many sellers would you estimate were operating in the school at the time you were purchasing drugs there?

Joel. Well, this is going back to 1964 and 1965. I personally was acquainted with four people who were selling heroin in the school and there were several others that were selling heroin in the area of the school in close enough proximity so that during the class change, which left us about 5 minutes, you could sneak out of the school, score the drugs, get high, and be back in time for your next class. So although they were not in school, by proximity, I would say they were there. There were a lot of those people.

Mr. Hafetz. Were there many people using the drugs or purchasing them outside the school or in the immediate school area?

Joel. Yes; there really were, even going back 7 or 8 years. I was amazed when I started to use heroin how many other people I knew that were using heroin. I didn't know how they'd been. Once I got into it I started to meet them, buying drugs and things like that. There were a sizable number of people using drugs at that time.

Mr. Hafetz. These were fellow students in the school?

Joel. Yes.

Mr. Hafetz. Are you able to estimate at all? Roughly?

Joel. I would say 8 years ago, maybe 25 percent of the people in the high schools I attended would be using hard drugs.

Mr. Hafetz. And what were the school authorities, as far as you know, doing about the problem at that particular school?

Joel. Well, they were dealing with it on two levels. One was to deny it to anybody that confronted them about it. And the other was to try to quietly remove those people that they felt were responsible for the proliferation of drugs in school. I was expelled from two schools because I was dealing drugs.

Mr. Hafetz. When you say removed, you don't mean placed into a treatment program?

Joel. No; I mean just removed from the school. Expelled for truancy or for any other number of valid reasons that were a cover.

Let me say when I got into Encounter in 1966, I went back to the two high schools I attended and urged the authorities there to start some kind of referral service or small-scale treatment program within the schools. Both of them vehemently denied the need for it. In the last couple of years, both of those schools have been in all kinds of national newspapers as being the two most outrageously, heavily drug involved schools in the city. The attitude was essentially that they, for whatever their reasons, had some kind of stake in not allowing this knowledge and information to become public, to the extent that people had to suffer for it. People took overdoses in those schools.

Mr. Hafetz. Was that frequent?

Joel. It became frequent in Taft in 1968. There were several overdoses. I went back there after I was in Encounter as a student. After the meeting we had with the deans and the guidance personnel, where they essentially refused to confront the problem, within a couple of months there were seven overdoses in the school.

Mr. Hafetz. And you say the school was still not recognizing the problem?

Joel. I am sure they recognized the problem, I mean, on some kind of private level. But at that time they were unwilling to take any kind of position on it.

Mr. Hafetz. Now, you say you went back in 1968, as a student?

JOEL. Yes.

Mr. HAFETZ. Did you then finish your courses and graduate from the school?

JOEL. Yes.

Mr. HAFETZ. What year did you graduate in?

JOEL. 1968.

Mr. HAFETZ. Had the problem become more extensive at that time as compared to when you started?

JOEL. Yes; it was much worse. I would say in 1968, when I left, somewhere between a third and a half of the people there were hard-drug users.

Mr. HAFETZ. We have heard testimony in New York giving the opinion that the city schools have had a drug epidemic. Based on your experience, would you say that was true?

JOEL. I would say it is true that an epidemic started in the last 5 years and I see it continuing, spreading, and increasing.

Mr. HAFETZ. Brenda, you stated, I believe, that you were in Julia Richmond High School?

BRENDA. Yes; I was.

Mr. HAFETZ. Could you describe for the committee where that is and approximately how large a high school that is?

BRENDA. It is located on 67th Street on the East Side of Manhattan. There are about 3,000 students, probably somewhat more.

Mr. HAFETZ. When did you attend that school?

BRENDA. From March until June in 1969, and from September until February in 1970.

Mr. HAFETZ. And would you describe for the committee your experience with drugs, when you got started, your experience with it in school?

BRENDA. Well, when I came to New York I had done a lot of other drugs, but I had never tried heroin.

Mr. HAFETZ. Where did you come to New York from?

BRENDA. Maryland.

Mr. HAFETZ. Had you gone to school down there?

BRENDA. Yes; I had.

Mr. HAFETZ. What city was that?

BRENDA. Bethesda-Chevy Chase.

Mr. HAFETZ. At what age did you come to New York City?

BRENDA. Seventeen.

Mr. HAFETZ. Were you using drugs at that stage?

BRENDA. Yes, LSD and marihuana mainly.

Mr. HAFETZ. And then what happened?

BRENDA. I started at Julia Richmond. I don't think I had been there very long, maybe about 2 or 3 weeks. I walked into the girls' bathroom off of one of the gymnasiums and there were a lot of girls in there snorting dope—heroin. One of the girls said, "Hey, you know, if you don't tell, we will give you some." I said OK. You know, I had tried everything else. I figured, you know, there wasn't going to be too much difference. And that is the first time I ever tried heroin.

Mr. HAFETZ. And how frequently did you begin to use it after that?

BRENDA. Well, I didn't use it very much until the summer of 1971. I, you know, did it here and there. I was mainly involved in dealing with it.

Mr. HAFETZ. Prior to that you were mainly involved in selling heroin?

BRENDA. Yes. I can't say mainly, but I was more involved in selling it than I was in doing it myself.

Mr. HAFETZ. And when you say "selling," would you describe just briefly the selling activities? Where would you sell the heroin?

BRENDA. Any place.

Mr. HAFETZ. Did you sell it in the school itself?

BRENDA. Yes.

Mr. HAFETZ. And about how much heroin a day were you selling?

BRENDA. At that point, not much, because I was like, you know, it was just something my girl friend and I went into as a way to have money. At that point, it wasn't much at all. In 1971, I was dealing to summer session and I was dealing more.

Mr. HAFETZ. Summer of 1971?

BRENDA. Yes.

Mr. HAFETZ. How much, approximately, were you selling?

BRENDA. Quite a lot. I, you know, would prefer not to go into specifics.

Mr. HAFETZ. Did you continue in Julia Richmond High School during the school year 1971–72?

BRENDA. No; I did not. The only contact I had with them was through dealing.

Mr. HAFETZ. You say some of your sales were in the school itself?

BRENDA. Most of them were on school grounds or within the school itself.

Mr. HAFETZ. Did you have any trouble at all in selling the drugs?

BRENDA. No; there was no trouble at all.

Mr. HAFETZ. Could you give the committee some idea of how extensive the heroin problem was at Julia Richmond?

BRENDA. At the time that I went there, I would say that, oh, about maybe 85 and 90 percent of the kids did some kind of drug. I have been talking to my sister. She says it has now risen to about 98 percent of the kids do some kind.

Mr. HAFETZ. You have a sister still in the school?

BRENDA. Yes, I have a sister that is still in Julia Richmond.

Mr. HAFETZ. Could you break that estimate down? Are you talking mainly about hard drugs?

BRENDA. Julia Richmond High School is, you know, probably about 95, 97 percent black and Puerto Rican. There was always a large problem with heroin in that category. It has just recently spread more toward the white and upper middle-class kids that go there.

Mr. HAFETZ. When you estimate the percentage of, I believe, somewhere from 70 percent up of the student body using drugs, what type of drugs are you talking about mainly?

BRENDA. I would say at this point now, 70 percent of the students, at least, have tried heroin or used it occasionally. About 50 percent are regular users.

Mr. HAFETZ. Of those who are using heroin on a regular basis, would you be able to state whether most of them are getting some of that heroin in the school itself?

BRENDA. More than likely they are either dealing it or they are getting it in the schools. It is the easiest place to get it with the least amount of danger to yourself.

Mr. HAFETZ. You say the school is the easiest place to get it with the least amount of danger?

BRENDA. You have a lot less chance of getting caught because, you know, it is just generally teachers and the authorities just generally turn their back on the problem.

Mr. HAFETZ. Could you explain that statement more fully for the committee? What you mean when you say the teachers and the authorities are turning their backs on it in the school?

BRENDA. Well, for instance, when I was in the school my girl friend and I used to occasionally snort heroin on the front steps, occasionally in classes. It was always in the bathrooms. Teachers did not even bother to go into the bathrooms most of the time because they just didn't want to see it. There have been, you know, occasions when teachers will make a remark if somebody doesn't show up, they are down the hall shooting dope, but you know, they don't bother to go look or do anything about it. It is just something that they ignore.

Mr. HAFETZ. You say teachers have been told that kids——

BRENDA. No, if somebody is missing, they will make some kind of remark: "They are out getting high." Somebody who runs a drug program once asked somebody—I was there at the time—where somebody was. The girl didn't know and the man who was running the group just said, "Well, if I went out and looked, he would be down the hall shooting dope," and went on to further explain to me that there was really very little he could do about it because if he went down alone he would probably get stabbed or something and nobody else would cooperate with him; he was not a school authority he was just working in the school for drug rehabilitation.

Mr. HAFETZ. Did the school have a drug treatment program at that time?

BRENDA. They have initiated one rather recently. They didn't have one at the time I was in there.

You know, when I was in there, I did tell a counselor that I was using drugs and I was referred to a job counseling agency.

Mr. HAFETZ. What is a job counseling agency?

BRENDA. Just someplace to get me a job, you know.

Mr. HAFETZ. You told a high school counselor that you were using heroin and you say you were referred to a job service?

BRENDA. I didn't specifically mention heroin. At that point, I wasn't really into it and you know, I talked about tripping and smoking marihuana.

Mr. HAFETZ. When you say "tripping"——

BRENDA. Tripping on LSD. And she just said, oh, well, you know, and I was referred to a federation to find me a job.

Mr. HAFETZ. Were there students in the school while you were there who appeared to be actually suffering the effects of hard drugs while in the school itself?

BRENDA. Oh, definitely. I mean it was a common thing. Students would go, come in the classroom, sit in the back of the room and nod out, their heads down on the desk for an entire class. Or the student would come in, you know, nose and eyes running, and get a pass to go to the bathroom, come back and nod out.

Mr. HAFETZ. What generally would be done about that?

Brenda. Nothing. If you wanted to go to sleep in class, you went to sleep. I used to fall asleep in most of them.

Mr. **Hafetz.** Would a teacher ever inquire as to what was causing the student to go to sleep?

Brenda. Occasionally a teacher would ask, you know, what is wrong? Depending on—you know, like most of the time, if a student was high on heroin, they would just say, they were tired, they didn't get any sleep. If they got high on drugs that made you a little more rowdy, like marihuana or LSD, they would often say, I am stoned, you know, and that would be it.

Mr. **Hafetz.** Was there any attempt at all by the school authorities while you were there to deal with the problem?

Brenda. There was a—I don't know how to describe it. It was really just a small scare put into the students about smoking marihuana on school grounds and that was it.

Mr. **Hafetz.** Were there any drug education courses in the high school?

Brenda. Not that I know of at the time I was there. Nobody told me about any of them.

Mr. **Hafetz.** Steve, can you just briefly describe your experiences in school as far as drugs?

Steve. School didn't have very much to do with my getting involved in drugs, actually. I got involved in heroin, actually, outside of the school. The only connection I would have would be going in every day to sell drugs.

Mr. **Hafetz.** Selling drugs in the school?

Steve. Yes.

Mr. **Hafetz.** Did you say you attended public high school?

Steve. No, private high school.

Mr. **Hafetz.** In Manhattan?

Steve. In Manhattan.

Mr. **Hafetz.** How large a school was that?

Steve. It was small, 125 people, maybe, something like that.

Mr. **Hafetz.** Was that a special school of some type?

Steve. Yes; it was. It was for what they call gifted underachievers. In other words, you were capable of getting high grades but were not doing that, failing in other schools.

Mr. **Hafetz.** Could you describe the extent of heroin and hard-drug use in that school?

Steve. I don't know exactly what it is. I would say maybe a quarter of the school. I know that about 90 or 98 percent of the school were using drugs.

Mr. **Hafetz.** Using drugs of some kind?

Steve. Of some kind—almost everybody.

Mr. **Hafetz.** Of that, you say about a quarter were using——

Steve. Possibly, I really don't know. Everybody that I had contact with was using heroin or barbiturates.

Mr. **Hafetz.** And you say you were selling drugs in the school itself?

Steve. Yes. I would go in for a few hours and sell a little bit of everything—some pot, some pills which I didn't use myself, heroin and cocaine, whatever.

Mr. **Hafetz.** You were selling to support your own drug habit at that time?

Steve. Yes.

Mr. **Hafetz.** Were the students who were buying drugs from you, students who were using them for the first time as far as you know?

Steve. No; not as far as I know. I never went out and solicited anything to people who were not, you know, who I didn't know were already using it.

Mr. **Hafetz.** How long ago was that you were in the private school?

Steve. A year and a half ago.

Mr. **Hafetz.** And then from there, you went into a treatment program?

Steve. Yes: I went into Encounter. Well, I sort of faded out of that school in the middle of the year. I just didn't go back. I got arrested and in the next few months, I wound up in Encounter.

Mr. **Hafetz.** How did you get into the treatment program?

Steve. After I had been out of school for awhile, after I dropped out for a few months, I got arrested and that is how I wound up in Encounter.

Mr. **Hafetz.** You say after you were arrested, you then got into——

Steve. I was probated to Encounter.

Mr. **Hafetz.** Was that through a probation officer?

Steve. Yes.

Mr. **Hafetz.** And you are still in Encounter at the present time?

Steve. Yes.

Mr. **Hafetz.** Have you had experience with overdose yourself, previously?

Steve. Yes, I overdosed once on heroin.

Mr. **Hafetz.** Where was that?

Steve. That was in my father's house, where I was living at the time.

Mr. **Hafetz.** Joe, can you describe briefly where you went to school and what the drug problem was at that school?

Joe. Yes. I went to a parochial school and it wasn't so much. I really started getting high in grammar school. I also went to a parochial grammar school. I started getting high with glue and then went to pot and pills and so forth up the ladder. I used amphetamines and LSD.

Mr. **Phillips.** What grade level would that be, Joe?

Joe. I was just coming out of seventh grade, going into eighth. I was around 13-years old. But it wasn't so much in the school, it was mostly outside of the school that I started getting high.

I was addicted to heroin at one point last summer, 1971, when I detoxified and then I came into the program in February. But like I said before, it wasn't so much in the school, although in the high school, there were drugs in the high school. There were a very good percent of the kids using drugs in the high school. I would say about 50 percent using all types of drugs. The amount of people in my high school that used heroin were a lower percentage, a very low percent. I would say about 5 percent. But the kids who use drugs are like a totally different line. They were more pot, you know, marihuana smokers and LSD users.

But if I could bring up a point to the committee referring to what we said before. I see that the committee is interested in seeking to get at the root of this problem. Going back to what the detective said before, that would be very good, I think, at some point to do something like that in the school. To make it stricter and to really, like, crack down on this and start now, since way in the future it will probably work to some point. But as I see it, with most kids who use drugs, just getting high in general, is that there is a lot more to it. There is a lot behind it.

For example, for me, it was a lot of social pressure. I started getting high because I—well, I really couldn't have thought much of myself. I always felt that I had to be with the hip crowd, you know. And in order to be with the hip crowd, I had to hang out with them and do what they did. That eventually led to getting high. At some point or another, even if I was, when I started smoking pot, I did go up the ladder, because at some point, there came a time when one of the kids experimented with a different drug—let's say, to put it in perspective, going up the ladder. Then I had to do it, too, to show them where I was at so I could be accepted. It was basically, I would say, out of loneliness.

Now, it gets very involved, because I think that the problem really stems with the parents. See now, the detective said that parents should take a very important part in discipline also. Now, that is important, but it is not just discipline. You see if parents really understood the drug problem and really knew how to bring up their kids with a lot of love and a lot of knowledge to the problem, I think things would be a whole lot better, you see.

But the things with the schools is all well and fine, you know. But the problem is it comes before that, because there are reasons why people just get high in general. There are all reasons behind them.

I gave you an example, which I think also fits greatest percentage, I would say, of people who use drugs in general—just getting high in general. It is because there are reasons why they do it. OK, it might be their parents. It is basically social pressure, you see. And that is where it really stems and that is where something really has to be done.

Mr. Brasco. Joe, if I may interrupt you for a moment, and you don't have to answer if you don't want to. During the course of the hearings, we have heard a lot of different attempts at explaining what the root causes are. Might you give the committee some details of your own? You say you didn't think much of yourself. Could you elaborate on the kind of problem that caused you to feel that way?

Joe. Yes. You see, my family ties were basically just family ties and that is it. No one really went deep into each other's life. No one really went deep into each other's problems. So I also depended a lot on my friends, wanting to be accepted, wanting recognition from the outside.

Very good examples are like the kid who takes his first cigarette. He has to show the other guys that he can smoke, too, and he can be a big man, too. It was ruled to that nature.

Mr. Brasco. Are you saying that if your family took a greater interest in your problems you might have had an outlet that would have been more constructive at home?

Joe. Yes. And this also goes for a lot of other situations. If the family could sit down and talk to you about these problems, you know, and really get into each other's feelings, really understanding each other when they are talking, not just the usual, you know, discipline where a parent tells a child, "Well, you can't do this out there [illegible] the world and you can't do this and you can't do that." If they got a little deeper than that, and like I said, parents really did take a better interest, you know, and showed a little more love instead of just a normal routine, I think that things would be a whole lot better. Because that is really where the problem stems.

If a kid is brought up right he is not going to use drugs. Social pressures won't really bother him at all, if he is brought up right, you know. And there is a way of doing it.

Now, the exact answer I really couldn't tell you. I just know what I experienced and reasons why I started on drugs.

Mr. Brasco. I suspect that there are a number of people, public officials included, who feel that way. I suppose what really happens is that parents and people look to Government to solve problems that have to be solved, I suppose, on a 1-to-1 basis within your own environment, and I guess the solution starts at home.

Joe. Yes. I know it is very difficult to get at that type of problem; knowing that that is the solution. It is a very difficult solution to get to.

Mr. Brasco. All we can do basically is to set up a program and at the time you need a program, sometimes it is too late.

Joel. I think that what Joe said is really valid about people being involved with one another in their families. I think that is like, if I might say, a manifestation of a really basic problem in our culture, in our society, that people don't really communicate with each other. And people who use drugs don't communicate with each other, either, and that is one of their basic problems. Kids feel bad, you know. They are kids and they are adolescents, they feel unhappy. They feel inadequate, they feel worthless, they don't feel excited about things, about being alive. They don't have heroes, you know. And because in their house and in their school and in the social institutions they have been involved in, no one is really a role model for them, no one has really shown them how to communicate. They don't communicate, either. And they internalize all the bad feelings they have and somebody comes along and says, here, smoke this, it feels good; here, pop this, or shoot that, and the kid is walking around with a lot of bad feelings because he can't communicate with people and he is going to take a chemical to make him feel good and it does make him feel good; does make him feel more adequate; more manly, or her more womanly; whatever. He has a valid reason for using drugs.

One thing we try to do when we rehabilitate a person is to teach him or her to communicate those kinds of feelings. It is something a kid doesn't learn at home. We try to teach whole families.

Mr. Brasco. Joel, we sort of chase around, with programs, and it seems to me that people are blaming each other; government is being blamed by the people and the government turns back and says it is the family that has to do it. What realistically, then, can we do? It is difficult for government to go into a family and tell them they have to do this or do that. Basically, from your point of view, are you saying it is a hopeless problem?

Joel. That is a really difficult question to answer. It is very complicated. I have thought about that a lot. I have spoken with other people about it a lot, because I have been involved with the drug scene for 10 years on one level or another. I have come to some conclusions.

One thing that I feel is that not enough programs exist, not enough good programs. I am not just saying that the government should give money to everybody who says they have a program, you know. I think if the present programs that exist are evaluated, they would have to improve themselves. I think we have a long way to go.

Mr. BRASCO. I didn't mean that, Joel. What I meant is I understand the need, we all do, for programs at this stage in our history, where we have the problem surrounding us. But suppose you had to devise some kind of program before you get to the problem of drug abuse.

JOEL. I will tell you, I don't think——

Mr. BRASCO. Is it more recreation centers?

JOEL. No; I don't think it is going to happen that way. I guess I am feeling fairly hopeless in a lot of ways. I don't see rehabilitation as a valid means of coping with the drug problem. It is valid for some people. It is certainly valid for the four of us sitting here, and for many others. But there are hundreds of thousands of drug addicts out there, there are hundreds of thousands of drug addicts in New York City alone. We are talking about a problem of incredible magnitude.

I think there are two things we have to deal with. One is what are we going to do for the people now addicted and becoming addicted?

Mr. BRASCO. What will we do for those not addicted?

JOEL. I think that is the other thing and I think that is the key.

I think that there are a lot of emotional problems that cause addiction. I think there are also a lot of material problems that cause addiction in this society and in this culture. Until those material conditions are dealt with—the problems of lack of communication. You know, for some people, it was always thought that drug addiction was a ghetto problem, that it was a function of poverty. You know, people were poor, so they tried to block it out with drugs. Now we have a tremendous rise in upper middle-class drug addiction and drug abuse. I think that indicates that, you know, some people are shooting drugs because they don't have it and they feel bad. Because this is a material society; you don't feel good unless you have a lot of material things, you know.

Some people have a lot of material things and they are not happy, either. They have been told, "you are going to feel good about yourself if you make it," and they have made it and they have made it for their kids. But their kids are shooting dope. There is something lacking in their lives.

Mr. WINN. May I interrupt there? I don't mean to be critical, and I basically agree with you. I think all of us down through the years, particularly in the ages of growing up, were always looking for something better than what we had. I have heard this argument and I think you are probably 110 percent right. But at the same time, how do we not let those in the future use this lack of communication, social problems at home, all of the excuses that we know are true—how do we get away from allowing them to use it as a crutch or a cop out? When do they straighten up and say, "Damn it, I am going to do something even if there is a bad situation in my home or even if my parents are separated, or even if I am black in a white neighborhood," or any of these things? When do the kids get to take it on their own, take the bit? And how can we help them?

JOEL. I will tell you, I don't see that happening?

Mr. Winn. You don't see that happening?

Joel. I don't see it happening, because I don't think that kids who are growing up today have been represented. I think the kids model themselves, you know. And I think some kids will do that. Some kids will probably say, things are so bad that in spite of the fact that things are bad, I am going to make it. I think some small percentage of kids will.

Mr. Winn. If they last that long.

Joel. Right. But we have a culture and a lot of cultural trends, a lot of media, a lot of kids being surrounded by all kinds of negative influences, and it takes a really, really strong kid to withstand that kind of pressure. And I don't think kids today are that strong.

Mr. Brasco. Why not? I am not being critical. I am just searching.

Joel. I don't know. I think in a lot of ways, I personally had it too easy. My parents came up through the depression. My father worked—he is a cabdriver, you know. His attitude was his kid would never lack anything. Consequently, I never had to earn anything, you understand. I could do all kinds of outrageous things, be disrespectful and not do my work in school and all that, but I could still get whatever I wanted. That is a very bad lesson to teach a kid. You are teaching them, do what you want, hurt us, hurt yourself, and we will reward you for it.

Mr. Winn. We are back to permissiveness again.

Joel. I think permissiveness is a big problem. I don't think the means of doing that is to go to the other end of the stick. I think that happens in my house. It happens in a lot of houses. Sometimes parents are incredibly permissive and sometimes they are incredibly strict.

Mr. Winn. And half the time, those are the kids that can't take it again and they pick up and leave home.

Joel. Right. I think that it is preferable to have parents who are always libertine or always strong disciplinarians than to have parents who go back and forth.

Mr. Winn. You don't have that.

Mr. Brasco. What you are basically saying is maybe we should be looking into some kind of programs preparing people for parenthood.

Chairman Pepper. I think the young lady wants to make a comment.

Brenda. Yes; I do. I think one of the basic problems is honestly between kids and their parents. I was brought up very strict but also, you know, in a liberal sense. My rules were strict, but my mother's views on a lot were very liberal. But, you know, she was trying to show me her life and make me want things that she had wanted and got. Yet, I knew she was unhappy and she could never tell me, you know, that she was unhappy. She committed suicide, which proved it, you know. And for me, that was like a thing where I said, here she says I am supposed to do this and I am supposed to strive for these things in life, and yet she had a lot of them and she wasn't happy. She couldn't live with herself, you know. And I don't really know why she committed suicide, I don't know the reasons behind it. But the way I looked at it was that she had lied, so why try for these things?

And you know, if she had had them, they couldn't have been worth that much to her.

Mr. Winn. Brenda, may I ask you—we don't really mean to get personal in these things, but we are still talking about philosophies. I hope that you realize that.

In the case of your mother, you say that she lied, and maybe she did. Had you never lied to her?

Brenda. Basically, not about the way I felt.

Mr. Winn. But you had lied to her. So what I am trying to figure out, in your mind, at that stage, is what was so wrong. What was so much worse about your mother lying than if you had looked in the mirror and said, yes, I have been lying to my mother about staying out too late or whatever you might have lied about.

Brenda. No, what it was, was kids pick up on their parents at a very early age, on their feelings and what is going on with them. Up until the time I was about 13 I was very honest and straightforward about just about everything I did. I may have told a lie here and there, but it was nothing where I lied a lot, and if I lied it was something perfectly ridiculous, like where I spent my dime.

But I would always go to her with the way I felt and things like that. And you know, I got kind of, well, you are going to get over it, or I shouldn't feel that way. Yet I knew she was unhappy and I had known it since I was little.

Mr. Winn. Maybe she didn't want you to know that, though. Maybe she was protecting you. That is what I am trying to say.

Brenda. You see, that is it, too. A parent's idea of protection can totally turn a kid the wrong way.

Mr. Winn. Well, I think that is basically what Joel was saying a little while ago, too, that maybe the kids want it straight, more so than we as parents—and I have five children about your ages. Maybe we don't level with the kids as much as we should. But at the same time, maybe we don't want them to have to face some of the things in the world that we have had to face. I don't know the answer to it.

Brenda. But you see, we do face it eventually, you know, and if you are not prepared for it the shocks can become even worse.

Mr. Brasco. Brenda talked about discipline and I was very interested. Apparently, all of you expressed some opinions on discipline. We live in a day where if you talk as a public official about discipline, you become somebody with horns and somebody, say, in New York City who is less than progressive and liberal. That is the old argument we have about law and order and equating, possibly, discipline with punishment. I was very interested to hear that all of you stated lack of discipline as part of the problem.

Mr. Keating. Mr. Chairman, could I make just one comment?

Chairman Pepper. Yes.

Mr. Keating. I thought I heard Joel say that consistency was very important, rather than whether you are liberal or strict. The consistency of how you were, probably overshadowed anything. Is that correct?

Joel. Yes.

Mr. Keating. And that it was a good asset to be consistent?

Joel. Yes, because if you are consistent it means that very often you are being consistent out of a philosophy, out of an honesty, and not out of manipulative necessity or a way of dealing with a situation sort of dishonestly, but out of convenience.

Mr. Brasco. I just wanted to say there are a number of encounter situations that have developed. There is even a marriage encounter. It seems to me that is an interesting approach and from what I have seen, people who participate in it seem to be more honest and realistic in their approach to life. I suppose it is a good technique in terms of communicating. It certainly seems to have helped you.

Are all of you in an encounter movement?

BRENDA. I am in Daytop Village, Inc.

Mr. BRASCO. Does that have what one might consider an encounter approach?

BRENDA. That is one of their basic tools, encounter groups.

Mr. BRASCO. So while it is a different program, the approach is the same?

BRENDA. Yes.

Chairman PEPPER. By way of summary, what would each one of you young people suggest we could do to deal with the very serious drug problem there is in the schools today? You do consider it a very serious problem today, don't you, the amount of drug use and abuse in the schools?

BRENDA. Yes.

Chairman PEPPER. If you were to design a program, what in substance would you say the program should be?

Let's start with you, Joe? What can we do about this problem?

JOE. Like I said before, I think it was very valid, what the detective brought up about her personal opinion, what should be done in schools. I think that is pretty important, because I think that could help a lot. You see, I see the problem as what has already been stated. I don't think I could really answer the question, because I feel like it is something for parents. It is something for them to start from the beginning.

My answer would be generally, I will say, just that, to get at the root of the problem from a child's growth.

Chairman PEPPER. Would it be possible for somebody to discover that by maybe having counseling services or an invitation on the part of the school authorities or somebody else for children troubled with home problems and the like, to come in and see what might be done about it?

JOE. Definitely so.

Chairman PEPPER. Brenda, what do you think? What is your advice?

BRENDA. Well, I feel that a lot more has to be done with dealing with the root of the problem. Because drugs are more or less a symptom of somebody's emotional problems. It is not the problem itself. It is just a way of escaping from whatever is bothering a person. And I think a lot more has to be done with dealing with that.

I also think that, in general, parents have to know about programs available, you know, even when their kids aren't using drugs. We have had cases in Daytop of kids who have not yet started using drugs but whose parents felt that it was important that they get the more or less education and the teaching that comes from Daytop. I think a lot more has to be done with letting parents know that such things are available.

Chairman PEPPER. Is that desirable or not?

BRENDA. I think it works out very well. You know, from the kids that we have had there has been a noticeable change in a lot of their attitudes. You know, when they came in, like I could pick up on them. I could see them heading for drugs eventually sometime in the near future. And if they have progressed through the program, you know, a lot of their attitudes have changed, a lot of their feelings about themselves. They have seen that whether or not they are heroes or there's a specific structure to our society, they can make their own and if they live by it and stick to it with conviction.

Chairman PEPPER. Incidentally, have you seen any films or any of the federally funded drug education programs? Are they doing any good?

BRENDA. The federally funded?

Chairman PEPPER. Federally funded, yes. There are a good many programs in the schools that the Federal Government is primarily funding or financing.

BRENDA. Any of the programs that I know about that go on in the schools have not worked. You know, they couldn't get the kids into them, or if they got them in, they just didn't attend.

Mr. BRASCO. May I break into this?

Brenda, let me ask you, were you ever arrested?

BRENDA. Yes, I was.

Mr. BRASCO. Did you ever receive any kind of consideration in the court like youth council bureau or anything?

BRENDA. Not youth council, no.

Mr. BRASCO. How old were you when you were arrested?

BRENDA. Nineteen.

Mr. BRASCO. What were you arrested for? Sales?

BRENDA. I was arrested on four charges, three of which were dropped, and I was finally charged with A-1 misdemeanor, possession of dangerous drugs.

Mr. BRASCO. Did you receive any sentence for that?

BRENDA. Three years probation.

Mr. BRASCO. Did you get any rehabilitation program with your probation?

BRENDA. I would not be in Daytop Village now if it wasn't for my probation officer.

Mr. BRASCO. Was that Manhattan?

BRENDA. Yes, it was.

Mr. BRASCO. So in your particular case, the referral system, rather than going to jail, worked?

BRENDA. Yes, in my particular case. But I have also discovered from other probation officers that I did know that I was lucky. I got a probation officer that was very much pro-Daytop, knew a lot about the program.

Mr. BRASCO. You were here in the room and heard the discussion about the question of approach, as how to handle a youthful drug offender. Do you think you would have been better off if they had sent you to jail?

BRENDA. No, I don't. The problem, though, is that most of the time when a youthful offender or otherwise is told by a probation officer to go to a rehabilitation program, they manage to get out of it.

Mr. BRASCO. That brings another question to my mind.

JOEL. Could I say something to that, too?

Mr. BRASCO. Go ahead.

JOEL. I just want to say something about institutions.

Mr. BRASCO. If you will let me finish, then, with Brenda, then you can say it, because I wanted to ask one other thing of Brenda.

JOEL. All right.

Mr. BRASCO (presiding). Brenda, obviously, you were arrested. That is why you were there. There is also some controversy about what do we do with someone that we know is using drugs? Do we force them into a program, do we wait until they make up their mind? What do we do?

BRENDA. Well, you see, a program like Daytop will not take somebody if they do not decide after an interview to stay there. Because it is not going to work if right from the beginning, you are saying, no. I mean I said yes, I will come, and inside, I said to heck with it, you know, I will get out in a month. But if you can make the initial thing, well, yes, I will come, you know, it gives them the time.

Mr. BRASCO. But the point is you said yes you would go, and I suppose that was under the threat of your being frightened that you would violate your probation and go to jail.

BRENDA. Yes, it was.

Mr. BRASCO. So that was a form of involuntary transportation from the courthouse to Daytop Village, was it not?

BRENDA. Yes, it was.

Mr. BRASCO. We had discussed some programs of involuntary commitment under civil law. Wouldn't that be the same kind of thing you went through?

The point is, do we have to wait for someone to be arrested or for someone to receive the light when we know that that someone is out on the street popping pills, tripping, using heroin, and is not going to do it on their own?

BRENDA. Well, I don't really see how you are going to get somebody into a program. I don't know law, so I don't know how you are going to get somebody in.

Mr. BRASCO. They are in the schools now. Under the law of the State of New York a teacher can petition a court, a parent can.

JOEL. Not anymore.

Mr. BRASCO. A district attorney can.

JOEL. Not anymore. The narcotics strict control commission, who is holding that, can no longer receive commitments.

Mr. BRASCO. That is because they don't have the money. I spoke to District Attorney Roberts from the Bronx and he is willing to take people in. One of the problems on the question of money, particularly with the Board of Education of the City of New York, is they refuse to take the first step and admit they have a problem. It is difficult going to Washington or Albany and saying on the one hand, we don't have a problem and saying on the other hand, give us money for a problem we don't have.

The point I make in terms of approach is that I know everybody tells me you have to come in on your own and I know most people don't. A lot of them are court referrals.

The point I am making is if a guy is standing on a corner, or a gal is standing on the corner, and I know, you know, that they are using drugs, and it is obvious from every kind of guideline or test you want to use, do we let them stand on the corner until they make up their own mind or do we get them in on civil commitment and let them be helped by the program you have, or any other kind of program?

BRENDA. The only time I have ever heard of anybody being committed to the place when they have not been arrested is to the Rockefeller program, which does not solve anything and does not help the person in the least.

Mr. BRASCO. That is not the question I am talking about. I am not plugging for any particular program. I am talking about assuming we have a program that works. You have used drugs. Do you think people are going to come in on their own?

BRENDA. You do get some. I think that yes, more force has to be used.

Mr. BRASCO. What I am asking is, Do you believe in civil commitment or not?

BRENDA. That is hard, you know. Yes, I would say I do if it would you know, really be put into effect, really enforced, and if they were put into programs that did work.

Mr. BRASCO. Suppose, and I understand and appreciate that you are committed to your program at Daytop Village—it has worked for you and you feel that is a good program and would work for others. Suppose we had money in programs similar to yours, we expanded your program and set up similar programs across the city and State. Would you believe in civil commitment, then?

BRENDA. Yes, I would.

Mr. BRASCO. In other words, the idea of civil commitment does not offend you?

BRENDA. No, it does not.

Mr. BRASCO. You don't feel it is a violation of one's constitutional rights, do you?

BRENDA. Not really, because most of the people we have in our programs that have stayed have either come from courts or extreme pressure from home, like getting thrown out. Those are the people that usually end up staying.

So I am not really against it. I might be if it happened to me. I do not know.

Mr. BRASCO. I know. I agree with you and I suppose that is the bottom line—when it happens to us.

But the point that I am making is that as a public official, there is an argument that raises its head back home, that this is a violation of one's constitutional right. I often wonder what the violated constitutional right is—to stay on the corner and attempt to kill yourself of an overdose?

Mr. BLOMMER. Is the Rockefeller program a methadone maintenance program?

BRENDA. Yes, partly.

Mr. BLOMMER. Could you comment, or anybody else who would like to comment, on whether you think methadone maintenance programs help people or not, or help solve the problem or not?

BRENDA. I was on methadone and I can say for myself, yes; I detoxified and I got off it, but that is just because, you know. I was on probation and had decided I had reached the bottom limit and I was not going to be on any drug.

Mr. BRASCO. Did they give you any psychiatric treatment?

BRENDA. No; I just went in and picked up my methadone and left.

Mr. BRASCO. You didn't have anything coupled with it?

Brenda. No; I did not.

Mr. **Brasco.** I am just saying if you were in an encounter situation, or Daytop, might that be a different thing?

Brenda. I do not think substituting one illegal drug for one that is legal solves anything.

Mr. **Brasco.** Would you agree with some of the talk that is going around now that we ought to legalize some of the drugs; namely, marihuana?

Brenda. I can't answer for other people. For myself personally, I don't advocate it, because I know that was—you know, if I started smoking again, it would be very easy, you know, to say, "Well, see, this isn't so bad." And I know it was a way that I got into heroin, just by moving up the ladder, and I know from most people I know that have gone on any kind of drug harder than marihuana, they have at some period in their lives smoked it and I would not advocate it.

Joe. I would just like to say one thing to that last question that you asked about "Do you think certain drugs should be legalized in the United States?" They are thinking, I do not know if they are thinking or if they are going to set up pilot programs for heroin for hardcore addicts, just as an experiment. I personally do not see this as working because how I see it is that that is not really getting at the problem. They are going to go in, get their heroin, detox off that, use methadone and detox, then they are going to go into a rehabilitation program, when really all that has to be done, what is getting at the problem, is just detoxification of your habit and going into a rehabilitation program, a therapeutic program.

Now, because what is really happening is that all of the cities are really interested in is the crime, you see. They are not really interested in the individual, where the problem is.

Mr. **Brasco.** I am inclined to agree with you. I suspect that society is caving in at this point from all kinds of pressures. What they are saying is, "Go ahead, let somebody else use them and just leave us alone for the time being."

What is your position? Should we legalize marihuana or not?

Joe. Marihuana?

Mr. **Brasco.** Yes.

Joe. I really haven't given that any thought. I can't see it as being legalized, because—well, my personal experiences is that marihuana is, whatever it is classified technically it does not make any difference to me, because using it is getting high. OK. When I am getting high, I am trying to run from something.

Mr. **Brasco.** How about the other two gentlemen? Do you agree or disagree?

Joel. I think marihuana should be legalized. It is just crass hypocrisy to keep it illegal at this point. I feel like a lot of studies have been done. The President had commissions to study it, he picked a conservative commission who were all against legalizing it.

Mr. **Brasco.** Let's not deal with conservative or any other philosophy. I do not like that kind of terminology. That only complicates things.

Joel. OK. He picked a commission to study marihuana.

Mr. **Phillips.** We read the commission's report, Joel. Could you tell us from your own experience and only your own experience—we do not want to hear any arguments—do you think your taking marihuana had any effect on your ultimate drug addiction at all?

Joel. I do not think it had causative effect.

Mr. Brasco. Well, you seem to be inconsistent with your own statements, Joel, at this point.

Joel. How's that?

Mr. Brasco. The inconsistency lies in the entire text of your discussion, in which you talk about people using the chemicals as an escape from problems from within. Was this one of the chemicals you used as the beginning of an escape for yourself?

Joel. Yes.

Mr. Brasco. Isn't that an inconsistency?

Joel. No.

Mr. Brasco. Why?

Joel. I will tell you why. I think more harm is done by keeping marihuana illegal than good.

Mr. Brasco. You mean because people are arrested?

Joel. Yes.

Mr. Brasco. That is another problem.

Joel. Could I answer the question?

Mr. Brasco. Would that help your situation if we legalized and let everybody settle their problems that way and then we would have more encounter programs?

Joel. No, I do not think there would be a significant increase in the smoking of marihuana if it were legalized. I think just about everybody is smoking it now and I can't see it becoming more significantly proliferated. I think what happens a lot is that people smoke marihuana, are arrested for it, are institutionalized for it. Maybe they hated themselves a little bit when they went in, but when they come out they really have some reasons to hate themselves.

Mr. Brasco. We are getting back to the same argument of the police officer and the district attorney. Should we throw them into jail right away or do what he did and try to look for a program and be criticized later?

How about you, Steve?

Steve. About marihuana?

Mr. Brasco. Yes.

Steve. If you get right down to it, I do not think any drug should be illegal.

Mr. Brasco. Excuse me?

Steve. I do not think anything should be illegal in terms of drugs. I will tell you why. For the same reason that I think what the detective was doing is futile. I think you wind up chasing your tail.

Mr. Brasco. Then why, do you advocate the continuance of this program that you are involved in?

Steve. Yes, of course I do; but all that this is doing is taking care of a problem, a generation of addicts which already exists. It is doing nothing to keep another one from cropping up, except for maybe our children.

Mr. Brasco. Well, do you think if we legalize all the drugs, that would keep the problem from cropping up?

Steve. No, I do not. I do not think it has anything to do with the problem.

Mr. Brasco. In other words, you draw no relationship, and you say this problem is going to happen no matter what?

Steve. Yes, I think it will.

Mr. Brasco. A doctor said that the other day. He said that those people who are using drugs were just using it because it is available. Those very same people would be stealing and causing trouble in a different way if the drugs weren't available. Would you agree with that?

Steve. They are a symptom of general bad feelings.

Mr. Brasco. He was saying very simply, the drug happened to be available and that was a way to solve their problem. But if it weren't available, assuming we had a drug-free society——

Steve. That would not make happy people.

Mr. Brasco. Their antisocial behavior would come out another way. Do you agree with that?

Steve. Yes, I do. I think that pretty much everything that I have heard today as far as suggestions on what to do are very futile things. It does look kind of hopeless to me, to tell you the truth.

Mr. Brasco. So basically you are saying, and I do not mean to be facetious, it's hopeless. We create people and these problems crop up and there is nothing we can do?

Steve. I do not know.

Mr. Brasco. Again I do not mean to be facetious, but do we employ them in programs to rehabilitate others, or what?

Steve. There are things that you can do as far as taking care of existing addicts. But I have no idea what you can do.

Brenda. I would like to say something. The program that I am involved in, Daytop, has very recently gotten very, very involved in the community. We have very young kids, you know, 7, 8, 9 years old who come in and, you know, play ping pong. They have started a baseball team and we also have something called community groups, one night a week. We do a lot of activities with community—free lunches starting July 1, things like that. They are trying to use that as a means of getting at, at least, our immediate community and getting to people before.

Mr. Brasco. I think I asked that of someone before, Brenda, at least I thought I did. I got a negative response. I said do we need more recreational and social facilities?

Brenda. It is not just recreational, though.

Mr. Brasco. I suppose we are talking about leadership and discipline and if we have that kind of a recreation and social facility where that would be exerted, might it take the place of a family or take the place of some of the values that people are missing and cut people off from having troubles.

Brenda. Yes; you see, but Daytop's idea is also to get the entire family involved and not just in social things, in doing things for their own community, to better it and try to kind of clean up the streets. It is not a thing where it's recreational. We have recreational activities. It is not so much the discipline, because the kids are not disciplined that much when they are inside our facility. They have to ask if they can eat the food and they are told not to break the furniture and if they make too much noise, they are told to quiet down. But that is relatively all the discipline they receive.

It is just to give them other channels than just hanging out on the streets and to give the parents an education, kind of in being honest with their kids and, you know, helping them to grow up the right way.

And also, I want to say something about what we said about legalizing all drugs.

I am totally against it because a lot of people would be just trying a lot because it is legal and I think that it would just kind of tend to—you know, "Well, it is legal, so why not do it."

Mr. **Brasco.** Let me ask this last question: Should we take people who are not drug abusers at this point and separate them from those who are? Can they exist side by side without infecting each other?

Brenda. It really depends entirely on the person, on an individual. In the schools as it stands now, if somebody is going to use drugs, they are going to use drugs whether they are isolated from the general crowd or not.

Mr. **Brasco.** But don't you think the fact that it's available in the schools to someone who is under pressure makes it easier for him or her to begin to use it? If they were in a school which was relatively drug free, you might have a different situation. Or at least the chances for abuse would be less.

Brenda. That is not going to solve any of the problems that a student might be having within himself and you have to ask again how long would a school stay relatively drug free? It would not last long. Because, you know, it is a drug culture at this point and there is a drug epidemic. And unless you put somebody on an island and had walls up to the sky, you are not going to isolate them from drugs or the drug problem and the school would not stay free for a considerable length of time.

Mr. **Brasco.** So the sum total of what you have said here is that you need some kind of a relative and effective drug program to help those that are addicted and what we have to do is to sit around and wait until parents or society get the light and know how to bring up young people without the pressure that they have to face today, which causes them to use drugs.

Joel. I haven't heard anybody suggest that we sit around and wait.

Mr. **Phillips.** There is one question before you leave that point, Congressman. The point I think Congressman Brasco is trying to make with you, Brenda, is he said if you have two types of schools, one which is drug free and one a special facility for people taking drugs, and you maintain that the drug free school would become infested after a period of time. Isn't, in fact, Daytop Village a drug-free school and has that become infected?

Brenda. Not really infected; no. It has not really in any way.

Mr. **Phillips.** But the point is, is there an atmosphere you can create and a program which you can create in a drug-free school that would tend to keep it drug free? I think that is what the Congressman wants to know?

Brenda. If they create a school that is, you know, run more or less to create an atmosphere, kind of like, you know, one of the programs one of us might be in or kind of like Daytop, and it is really run that way, which is difficult at times, then I think there is a possibility. But the thing you have to look at, too, is that it would take a lot of time and take a lot of work, because people do not, when they first come into any kind of program, want it. They are quite willing to fight it until they just get tired of fighting and a lot of students might just leave the school as a solution. A lot of people leave Daytop as a solution.

Mr. **Brasco.** But isn't it better to have some of them leave and those who stay are relatively drug free, unless there is a lot of cheating going on at Daytop?

Brenda. I can say just about Daytop itself and what I know of it. I think the main problem with cheating comes with the kids who go home and aren't dealing honestly with their feelings, and they don't last too long. They either come into Daytop, are honest about what they have done wrong, or they leave. It is one or the other. But there are a lot of problems involved in keeping an environment like Daytop drug free.

Mr. **Brasco.** I agree and counsel agrees with you, but I am wondering why can't we do that with those people in the schools who aren't addicted? Apparently, all of you agree that addiction is not a good thing and all of you agree that you want at this stage of the game to remain drug free. I suspect that is what it is all about. Why do we have to wait for somebody to be addicted? Why can't we take those who have not been addicted and set up, as counsel indicated, an atmosphere for remaining that way? It may well be that it is not the easiest thing to do, but at least we could try to set up an atmosphere where you have a school that is relatively drug free. Why is that not a valid premise?

Brenda. First, I would like to explain something. Daytop is based on a lot of identification. It is run by ex-addicts, and we get a lot of identification from them when we come in to show we are not alone. Now, what are you going to do in a case where you have a lot of kids that never did drugs? You are trying to create an atmosphere for them, but you can't really, you know, create an atmosphere of don't do this because the people who are doing it have never done it, and if you put in ex-addicts, it is going to be the wrong type of atmosphere. I mean, there is no way you are going to get, really, a median.

Mr. **Brasco.** In other words, what you are saying is with respect to someone who is not addicted, since they have never gone through the problem of addiction, there is no way to prevent them from falling into the hands of addiction.

Brenda. That is not what I am saying. What I am saying is in the situation with a school like that, you cannot put somebody in charge who knows nothing about the problems involved with drugs, or the emotional problems involved in a person who eventually goes on drugs.

Mr. **Brasco.** Are you just saying that the only people who are leaders in this field are ex-drug addicts?

Brenda. The only people who can really know what is happening, what has happened to a drug addict out on the street, the emotional problems that he has gone through and most of the changes that have affected their lives—the main people who are going to know had to deal with it—are ex-addicts who have made it. Because I have been through psychotherapy, I have seen psychiatrists, and at the mention of drugs, their hands went up in the air and they said, we can't help you, because they did not know what I went through. They looked at me, they said you are intelligent, you are pretty, you come from an upper middle-class background, you don't have any problems. And you know, they could not find any way to relate to me on my level. They had never been through it.

Mr. Brasco. All right. You say they should not even try, then?

Brenda. I am saying I do not see how it would work.

Mr. Brasco. I am not asking you that. I am asking you, should we try?

Mr. Phillips. I think what the Congressman is pointing out is that you do not have to know how to design an atomic submarine to know that you can conceive of an atomic submarine. He can conceive of a system in which this would work and perhaps we should get the experts to put the problem together for us.

Mr. Brasco. Should we try to separate the two populations? That is all I am asking. Should we try? I know that Daytop does not work for everybody, either. It does not mean we should not expand it. What I am asking you is, should not we try for that small number, whatever it is, the student population that is not drug addicted or drug abusing at this point, should we try to set up an atmosphere to help them?

That is what I said before when Joel said what do you mean, sit around and wait? Should we sit around and wait and allow them to go to school and only do something after they are afflicted?

Brenda. If you can find a median to set up such an atmosphere, I think yes, it has been tried, definitely. If you can find a way to set up such an atmosphere. Because that might be getting at the problem before it came out as a symptom.

Mr. Brasco. All of you are intelligent people. One of the other arguments goes that it is a violation of somebody's constitutional rights to try to separate these student addicts in the schools.

Brenda. If they are not going to be separated, they are not going to.

Mr. Brasco. Would you view that as a problem?

Joel. I do.

Mr. Brasco. Then you know what I am talking about. That is why I asked the question.

Joel. The thing that scares me about it is I think if you do that, you would be writing off all the people that are addicted. You are talking about separate but equal. I do not believe that.

Mr. Brasco. I am not saying we should write them off. I am saying we should have a different kind of program for them.

Joel. I do not think there will be, though, OK? I do not think it is going to happen. I do not trust it. I think if they isolate all the addicts and put them in one place, it is going to become an institution, it is going to become a prison, it is going to be a place where they are not afforded the opportunity.

Mr. Brasco. What you are saying is we should let them stay in the schools.

Joel. I am saying I am as concerned about the people who are presently addicted as I am about the people who are not addicted.

Mr. Brasco. You are saying these sellers should stay in school and sell the drugs?

Joel. I do not say that; no.

Mr. **Brasco.** I remember with very complete clarity, when you prefaced your remarks in the beginning, you said pushers aren't pushing. They are not really trying to induce or seduce anybody on to drugs. They are just there.

Joel. That is right.

Mr. **Brasco.** I suppose that is part of your whole argument. Are you saying no one goes to somebody else and says, "You should try a drug"?

Joel. No, I am saying in my experience I have not seen that happen.

Mr. **Brasco.** In your experience, do you know that it happens on occasion?

Joel. I assume that it happens on some occasions.

Mr. **Brasco.** Don't the parents have some kind of right to send their children to a school where they don't have to be approached by drug sellers or users?

Joel. This is such a limited view that you are taking, you know. Because I said also before that most of the contacts I made for drugs were outside school and around the school.

Mr. **Brasco.** But when you sold, you sold in the school.

Joel. In the school, out of the school, around the school, and everywhere else. I think what you are talking about is dealing with and confronting one small aspect of a very complex and complicated problem. I think that, you know, to get to the question that Mr. Pepper asked about, what is an effective prevention program, one person answered it and then we kind of took a trip.

I think instead of taking kids who are addicted and isolating them and isolating kids who aren't yet addicted or bringing a drug program into a school or something like that, I think there has to be a real change made in the quality of education that occurs in New York City, and I am sure in other cities: there has to be a change in the philosophy of education because kids aren't learning to read. We have kids in Encounter who can't read, who are 20 years old and graduated from high school and can barely write their names.

I think if you just change the schools and make them wonderful places and you don't change the communities the kids come out of, that won't work, either. I am saying that I think the schools have to be changed. I think the philosophy has to be changed.

I think there has to be a lot of money made available for research, evaluating, producing new kinds of drug programs, for new kinds of treatment for people who are not being helped.

Mr. **Brasco.** I agree with everything that you say.

Joel. I am trying to answer the question.

Mr. **Brasco.** Everyone describes this as a "house on fire." I am wondering whether or not you should try to run into the house and save something while we are also working to put out the fire.

Joel. I do that every day. We do that every day, you know, on a small level. I think it can be done more.

Mr. **Phillips.** The problem before this committee, Joel, is that it is being done in a small way in small places. It is not being done broadly enough, not being done intensively enough, and everybody in this country is concerned that we have to do more of it. What we are trying to do is to come up with some ideas and programs which will start to save more of these kids before they become addicted. That is why I agree with you that all those things you have suggested be done. But all of them can't be done at once.

Mr. **Brasco**. All I am saying to you, Joel, is that some kid maybe somewhere along the line will use drugs because of a number of pressures, kids shooting up right in front of them. I am saying very simply that being realistic, I think the incidences of that individual who is not using drugs, if he is going alongside somebody who is, the incidence of his beginning to use becomes greater because of the availability. That is all I am saying.

Joel. I think from looking at it from that limited perspective, there is some validity.

Mr. **Brasco**. That is all I am saying.

Joel. Just taking it from that perspective there is some validity to separating people. I think taking an overall view, it is a bad idea.

Mr. **Brasco**. I am not saying do anything to desert the others. I am saying we have to work with both. But it seems to me it would be easier to work with those who are drug free by taking them away from those who are not.

Joel. We are always looking for doing things that are easier.

Mr. **Brasco**. I would hate like heck to see a hundred-percent drug addicts in every school and then work up programs to get them to where they were before using drugs.

Joel. I am not suggesting we have a hundred percent.

Mr. **Phillips**. Mr. Nolde has some questions.

Mr. **Nolde**. Brenda, how old were you when you first started these drugs?

Brenda. Thirteen.

Mr. **Nolde**. What did you start on?

Brenda. It was not literally drugs. I started drinking a lot, getting drunk, getting picked up by the police in Montgomery County for being drunk.

Mr. **Nolde**. When did you start on drugs itself?

Brenda. About 14 or 14½.

Mr. **Nolde**. Can you estimate how many heroin users, regular users, there were in the schools you attended?

Brenda. When I attended school in Maryland, it would have to be like almost none. But that is because just heroin was not too well known at that point.

When I attended school in New York, I would say that heroin addiction itself was probably between 45 and 50 percent.

Mr. **Nolde**. And how many sellers would you say there were in the schools?

Brenda. At the time I was dealing, it is safer to say, I would say there were about 50.

Mr. **Brasco**. May I interrupt?

Brenda, did you ever try to induce anyone to use it?

Brenda. No. I did not.

Mr. **Brasco**. Did you ever sell to someone whom you knew never used it before?

Brenda. No. I did not.

Mr. **Brasco**. Did someone sell to you for the first time?

Brenda. No; like I said, the first time that I did heroin, it was given to me.

Mr. **Brasco.** So someone at that point did give it to you because it was available?

Brenda. They just asked me if I wanted some.

Mr. **Brasco.** But you took it?

Brenda. Yes.

Mr. **Brasco.** And if they hadn't asked you at that point, as I remember correctly, in the girls room, you would not have taken it. Maybe you would have taken it at some other point, but you would have had 1 more day, 1 more week, 1 more month, to solve your problem.

Brenda. Not at that precise point, no. I might have had 1 more day or 1 more month. But it was definitely in the offing. It was too available.

Mr. **Brasco.** That is precisely my point. I am glad you said that "available."

Mr. **Nolde.** Can you give us just a quick idea of the socioeconomic background of your parents?

Brenda. I am definitely like upper middle class. My father makes about $50,000, $52,000 a year.

Mr. **Nolde.** Fine.

And Joel, how about yours?

Joel. I would say that I come from a working-class background. My father is a manual laborer. He works in a warehouse. My mother is a bookkeeper.

Mr. **Nolde.** Joe, how about yours?

Joe. I would say I came from a working-class family, also. My mother was just like a housewife and my father owned a business.

Mr. **Nolde.** Steve?

Steve. Upper middle class.

Mr. **Nolde.** Fine. Thank you.

No more questions.

Mr. **Phillips.** Thank you very, very much, all of you. You have been most helpful in giving us your stories. I want to thank you all for your cooperation with the committee and with the staff.

Mr. **Brasco.** Thank you.

(Whereupon at 7:10 p.m., the committee adjourned to reconvene at 10 a.m., Tuesday, June 27, 1972, in Washington, D.C.)

DRUGS IN OUR SCHOOLS

TUESDAY, JUNE 27, 1972

House of Representatives,
Select Committee on Crime,
Washington, D.C.

The committee met pursuant to notice at 10:55 a.m., in room 345, Cannon House Office Building, Hon. Claude Pepper (chairman) presiding.

Present: Representatives Pepper, Brasco, Mann, Rangel, Wiggins, Winn, Sandman, and Keating.

Also present: Joseph A. Phillips, chief counsel; Michael W. Blommer, associate chief counsel; Chris Nolde, associate counsel; Andrew Radding, assistant counsel; and Fred Hafetz, special consulting counsel.

Chairman **Pepper**. The committee will come to order, please.

Counsel, will you call the first witness.

Mr. **Phillips**. Yes, Mr. Chairman.

The first witness scheduled for today is Mr. Ira Silverman, an investigative reporter for NBC.

Chairman **Pepper**. Mr. Silverman, will you stand to be sworn, please.

STATEMENT OF IRA SILVERMAN, INVESTIGATIVE REPORTER, NBC NEWS, NEW YORK, N.Y.

Chairman **Pepper**. Mr. Silverman, could you tell us what your occupation is?

Mr. **Silverman**. Yes. I am a reporter and a newswriter for NBC News in New York.

Mr. **Phillips**. In the course of your employment with NBC News and prior thereto, I understand you received certain awards. Tell us a little about them.

Mr. **Silverman**. I have awards in connection with the coverage of the Knapp investigation of allegations of police corruption in New York City, and for work I have done with young heroin addicts in New York City, particularly in Brooklyn.

Chairman **Pepper**. Excuse me. I failed to announce, as I had intended to, we are very much indebted to our distinguished colleague, Mr. Frank Brasco, for bringing Mr. Silverman's most commendable work to the committee's attention. At Mr. Brasco's suggestion, Mr. Silverman appeared before our committee in executive session some time ago and impressed us very much with the testimony that he gave us at that time.

We are very much indebted to our colleague for bringing us into contact.

Mr. Brasco, do you want to make any preliminary statement or ask any questions?

Mr. **Brasco.** No, Mr. Chairman. We can follow the regular order of business.

Chairman **Pepper.** Proceed, Mr. Phillips.

Mr. **Phillips.** Mr. Silverman, did there come a time when you actively sought information in relation to drugs and their use in school by young people?

Mr. **Silverman.** Yes; I did.

Mr. **Phillips.** Tell us about that, please.

Mr. **Silverman.** For much of the past 2 years I have been working in Brooklyn, Williamsburg, and Brownsville; east New York sections of Brooklyn, particularly.

Parents of young addicts, clergymen, some addicts, themselves, have come to me with information on narcotic dealings in the streets and in the schools, and some asked for help.

I found very early that a news investigation also became a police investigation. I found that information I was receiving was on the activities of narcotic dealers in and around Brooklyn high schools. In addition to attempting to prepare film reports for television, I began turning over information on the narcotic dealings to the New York City Police.

While working, accompanying Knapp Commission investigators, I came onto Sgt. David Derk of the New York City Police, and I trusted him. I told people in the neighborhood that any information given to me on narcotic dealings, particularly in and around schools, could be given to me, to Sergeant Derk, and other members of the New York City Police Department, and that some action would be taken.

At the beginning there was great reluctance. People in the neighborhood who wanted to get the dealers away from their children were reluctant to give information on the dealers for fear of reprisals, both from the dealers and possibly from police who were working with the dealers.

Early in February of this year I was able to obtain information on drug dealings in the vicinity of Eastern District High School in the Williamsburg section of Brooklyn.

Mr. **Phillips.** Could you tell us about that?

Mr. **Silverman.** On February 10, we had specific information on the activities of two suspected heroin dealers who operated in and around Eastern District High School. I remember, at 1:30 in the morning, I called Sergeant Derk. By 1 o'clock that afternoon Sergeant Derk, Chief Jules Saxon of the Narcotics Division of the New York City Police, had assigned a team of detectives on stakeout outside Eastern District High School.

Within minutes of taking up position outside the school, four persons were taken into custody. Two later pleaded guilty to selling heroin and have now been sentenced. I believe one drew a sentence of 4 years; the other 3 years.

Mr. **Phillips.** And they drew that sentence in relation to selling drugs right outside Eastern District High School; is that correct?

Mr. **Silverman.** Yes, Mr. Phillips.

Mr. **Phillips.** You say you obtained this information from confidential sources?

Mr. SILVERMAN. Yes.

Mr. PHILLIPS. And the police took immediate action in relation to this and they arrested people in the Eastern District High School?

Mr. SILVERMAN. Yes. The police took immediate action.

Mr. PHILLIPS. How old were the people involved in the drug sales in the Eastern District, do you know?

Mr. SILVERMAN. About 20. One was in his early twenties and one was about 19.

Mr. PHILLIPS. And the information you received was they were selling this to children in the schools?

Mr. SILVERMAN. Children in the schools. One thing that I learned was that many children in New York City go to school but not to class. They go to school because that is where the action is. They go to school because that is where the dealers are. Much of the heroin that is passed to young people in New York City is passed in the bathrooms, the staircases, the hallways, sometimes the back of classrooms in New York City high schools and junior high schools.

Mr. PHILLIPS. How extensive would you say that traffic is?

Mr. SILVERMAN. I don't know, and I hope that this committee will find out. I have worked primarily in three or four schools in Brooklyn.

Mr. PHILLIPS. Give us the names of the particular schools you worked in, in Brooklyn.

Mr. SILVERMAN. Eastern District High School, Wingate High School, and Franklin K. Lane High School.

Mr. PHILLIPS. Could you tell us whether the conditions in Franklin K. Lane, for instance, were the same or different from Eastern District?

Mr. SILVERMAN. I might say that the arrest of the suspected dealers outside Eastern District High School were filmed and films of these arrests were shown on the WNBC–TV in New York.

Following this, I had communications from many people and the information began to come to me about narcotics activity, criminal activity, widespread school truancy at Franklin K. Lane High School.

Mr. PHILLIPS. In other words, after you displayed the films of the sales in the Eastern District, apparently that got some notoriety, at least on the schools immediately in New York City; is that correct?

Mr. SILVERMAN. Yes, that is correct.

Mr. PHILLIPS. As a result of that, other people came forward and gave you additional information, and one of the schools you received information about was Franklin K. Lane?

Mr. SILVERMAN. Yes.

Mr. PHILLIPS. Tell us about that.

Mr. SILVERMAN. I planned to do an extensive report on the conditions at Franklin K. Lane High School for a number of reasons. I was concerned that the past 3 years, 55 of the senior teachers at Franklin K. Lane have left. Some have left teaching; some have gone to schools in suburban areas, or in other States. I think this is a general trend with New York City. It is losing many of its experienced teachers, supervisors, and I would like to know why. I would like this committee to find out the reasons why.

I understand at the end of this month one-third of the principals of New York City high schools will be leaving their jobs, mostly through early retirement.

Mr. **Phillips**. What, in your opinion, is the cause of the teachers and principals leaving?

Mr. **Silverman**. I have had conversations with a good number of principals and teachers. I remember one particularly. I interviewed several teachers who have left Lane in the last 3 years. One told me he found himself living for Christmas, Easter, Friday, and June. Living from pay check to pay check. He felt he was no longer a teacher, no longer a man.

He felt he was living in a box. He said he left out of self-respect. He left teaching entirely.

Mr. **Phillips**. What were the conditions that caused him to have this negative view of Franklin K. Lane?

Mr. **Silverman**. He said he enjoyed teaching. He felt he received no support from his superiors or the people on the board, that the officials of the board of education and the principals of the schools were involved in suppressing information about the problems at Lane and other schools.

Now, indeed, when I tried to put together a series of film reports on Lane, I was interested not only in narcotic dealings at the school, but the high truancy, and particularly of in-school truancy. You have hundreds of children who come to school at Lane because that is where the action is, not to go to class.

They hang around the school, they go into the school, they may spend 15 minutes, or they may spend all day.

For a period of 6 weeks, I asked a young man to attend Lane High School, particularly with the children who were coming to the building but not going to class. He was able to observe the activities of 15 young people in and around the building that he told me were dealing with drugs—heroin, LSD, marihuana, other kinds of pills known as ups-and-downs.

Mr. **Phillips**. Did you have some informant working with you, some young student to give you information?

Mr. **Silverman**. Yes.

Mr. **Phillips**. He was reporting back to you on a daily basis of what he found in the school?

Mr. **Silverman**. Yes.

Mr. **Phillips**. And you are relating to us what he told you?

Mr. **Silverman**. Yes.

Mr. **Phillips**. He said there were 15 drug peddlers just hanging around the school but not attending class?

Mr. **Silverman**. Yes. A few were attending class. In one instance a young man, who was later arrested as a result of information turned over by NBC–TV to the police, was dealing from a classroom. Prospective customers would come to the classroom, walk in, ask him to come out in the hall. He would go out in the hall to a staircase or bathroom, deal with drugs, and come back to the classroom.

Mr. **Phillips**. Could you tell us what the attitude of the school authorities was at Lane when your investigation was started there?

Mr. **Silverman**. At the same time that I began to meet with people who were concerned about conditions at Lane, I got in contact with the principal of Lane, Morton Selub. I talked to the chancellor of the New York City schools, Harvey Scribner; I spoke with several superintendents and officials of Franklin K. Lane.

I remember one of the first conversations with the board official. I said I wanted to do a series, television series, at a New York City high school. And the official said, "Sure, Ira; where?" I then said "Franklin K. Lane." The official said, "I can't let you go there."

Mr. **Phillips**. Did they give any reason for not permitting you to go there?

Mr. **Silverman**. Not at that time, no.

Mr. **Phillips**. They just said they couldn't permit you to go?

Mr. **Brasco**. Excuse me. Did they have any reason for the refusal at any time?

Mr. **Silverman**. I went from meeting to meeting. At one meeting I did not go to with members of the student government. I felt I was going to too many meetings and there was too much work to be done. It was later reported to me that the students had decided not to allow or cooperate with any kind of film making or interviews at the school.

Mr. **Brasco**. Who told you that, Mr. Silverman?

Mr. **Silverman**. An assistant superintendent, Oscar Dunbrough, and I believe the principal of the school, Morton Selub.

Mr. **Brasco**. I am very much concerned about that because one of the things we are trying to ascertain here is the attitude on the part of school officials with respect to dealing with a very critical problem; that is, drug abuse and drug sales, and the attendant violence in the schools. Did you press in any way, in terms of saying "What do you intend to do about this critical problem, if not allowing it to be exposed so that Americans can understand it and begin to attack it in a more concentrated effort?"

Mr. **Silverman**. Mr. Brasco, I feel very much like a young Lane student who wrote to the Lane newspaper after the television programs, and after there was quite a controversy over the programs. This young lady said she felt the programs were a good idea. Many students at Lane felt they were a bad idea. This young lady said, "How are we to get help with our problems if no one knows about our problems?"

I believe there is a tremendous public relations effort on the part of the school bureaucracy to suppress information about conditions in the schools. It is very difficult to get in the schools.

I think much of the information that has been released is untruthful and absurd. I think the reporting on untoward incidents for the last 3 years, from my work, is greatly understated. Mr. Selub, the principal of Lane, has told me that for a period of at least 2 months he stopped reporting incidents of crime in the school.

I asked him why. I am still waiting to hear why.

Mr. **Hafetz**. Do you know about how many incidents went unreported during that several months' period?

Mr. **Silverman**. No, I don't.

Mr. **Phillips**. Mr. Selub is the principal of Lane High School in Brooklyn, which consists of 4,000 to 5,000 students registered at that school; is that correct?

Mr. **Silverman**. It is my understanding there is a paper registration of something like 4,500–4,600.

Lane is one instance of a tragic pattern in the New York City high schools. Perhaps half the children do not come to school, and many hundreds who do come to school, as I said before, don't go to class.

Mr. **Brasco**. Mr. Silverman, we have also been told by police officials that it is very difficult for them to get into the schools. They receive very little cooperation—if any. I am sure you are aware of that.

Mr. SILVERMAN. Yes. I have been told the same thing, Mr. Brasco, by police officials.

Mr. BRASCO. Did you, in your conversation with any of the school board ask the very pertinent question: "If you don't want me and NBC to do something about exposing this problem to the public, and refuse to allow the police to go in to arrest people who are selling drugs, then what do you intend to do about it?

Mr. SILVERMAN. I don't know if I asked that exact question, Mr. Brasco, but certainly I asked questions in that spirit.

Mr. BRASCO. What kind of answers did you get?

Mr. SILVERMAN. The kind of answers were—I found particularly with Mr. Selub, he told me he couldn't see how any publicity for the high school or any examination of his problems would be useful or would benefit him or the school.

Mr. BRASCO. Did you ask him if he had a program to combat this situation?

Mr. SILVERMAN. I think I must have asked that question in the course of conversations, yes.

Mr. BRASCO. Did you find out whether or not there was any program at Lane High School to combat this problem?

Mr. SILVERMAN. Let me say this: After several weeks in the school as a news investigation, I then turned over information on suspected drug dealers to the New York City police. And Jules Saxon, who was then chief of narcotics for the police, assigned an undercover policeman to pose as a student at Lane. The undercover policeman was backed up by several other plainclothes policemen, posing as telephone repairmen. In addition, NBC had a surveillance truck at the school. The undercover policeman was asked to try to coax the suspected pushers, who seemed to like to work in the school rather than outside. As you know, Jamaica Avenue is the main thoroughfare near the school.

The undercover was asked to coax pushers on the street so we could film the sales of heroin. He was very successful at this. We filmed a number of sales, which the police said were sales of heroin.

Mr. BRASCO. I know. I had an opportunity to see those.

Mr. SILVERMAN. I believe eight suspected heroin pushers were subsequently arrested as a result of the police undercover operation at Lane.

Now, at an earlier time, I would imagine that the school officials, the principal of the high school, would welcome a police effort to make these schools safer. Certainly, it would seem this way.

There have been seven uniformed policemen assigned to Lane for some time now. The best I can tell, before this recent undercover operation, it was a period of a year or 2 years since a similar operation was carried out at Lane. I don't mean a "drop by" by one or two plainclothesmen, I mean a sincere undercover operation that was allowed to mature. Generally, it would take 2, 3, or 4 weeks for an undercover policeman to gain the confidence of the dealers, so he would make sales to him.

I believe the use of student patrols to control narcotics traffic in high school is ineffective and dangerous. I think the use of student patrols leads to vigilantism and later the formation of gangs.

I think undercover work by policemen in high schools is an excellent way to control selling, to identify dealers, and to make sure the people who might want to deal in that school know the man is there and know the heat is on.

My latest information from the Eastern District and from Lane is that the pushers don't go there as much as they used to. They feel it is safer now in the streets. I think if we are going to have narcotics dealings—and I think we will have them for some time—they should. be certainly not in the schools. And the principals, the teachers, the children going to classes, should not be forced to try to coexist with narcotic pushers who are kind of desperate people, and heavy narcotics users who are going to school, often to try to get together the money so that they buy drugs.

I think much of the violence in schools, and schools particularly like Lane, is related to narcotics use. There are two or three ways that a Lane student, who is using heroin, can get money to buy heroin.

One is by taking the money from other students, sometimes at knifepoint. Many Lane students come to school with their lunch money in their socks or their shoes for fear of being what they called "taken off"—mugged.

Other students at Lane raise money by gambling. There are dice games throughout the school building and outside the school building. I have witnessed dice games going on, with uniformed police 2 or 3 feet away.

Mr. BRASCO. I believe we saw one of those on film, also, at Franklin K. Lane.

Mr. SILVERMAN. Yes; there are other students who get together money, sometimes for later heroin buys, through prostitution. There is considerable male prostitution going on in the building at Franklin K. Lane High School. A young man who was working with us was solicited by a male prostitute in a lunchroom at Franklin K. Lane High School.

I later advised Oscar Dunbrough of this and he said he would go to the school the next day. I think he did.

Mr. BRASCO. Let me just say the following in connection with your observation about the violence.

Mr. SILVERMAN. Yes.

Mr. BRASCO. The merchants around Franklin K. Lane can also attest to the violence and the thievery in their places of business.

If I remember correctly, in a conversation that we had, you related to me that there were certain hallways, or at least sections of the building, that male prostitutes frequented; where they could meet and transact business.

Mr. SILVERMAN. It is reported to me that much of this activity took place in a particular staircase on the top floor of Lane, where there were empty classrooms.

Mr. BRASCO. I understand there are other types of activities on other stairways; is that correct? In other words, there are stairways or places in the school building, itself, set aside for certain activity, whether it be male prostitution or sales of drug, or shooting up. Did you find it to be a pattern in the school?

Mr. SILVERMAN. I think the pattern has changed. I think at one point the principal, Mr. Selub, instituted a teacher patrol, where the teachers, themselves, organized a teacher patrol. The patrol would be going around the school and the drug pushers would be kind of falling in behind the patrol, and business would start once the patrol moved on.

I think that patrol, particularly on heroin sales, is not the job of a group of teachers, not the job of students. It is the job of specially trained undercover policemen. It is not even the job of a regular uniformed policeman.

Mr. BRASCO. I agree with you.

Mr. SILVERMAN. You have to be able to be accepted, to talk in the street idiom of heroin pushers.

Mr. BRASCO. Did you ever ask the principal at Franklin K. Lane whether he knew about these activities in the school?

Mr. SILVERMAN. I asked the principal, Mr. Selub, if he was aware that children at Lane were coming to school with their lunch money in their shoes. He said "Yes." And the next thing he said was that the same thing was true when he went to school.

I then asked him if he had a child, son or daughter, and was living in the Lane district would he send that child to Lane.

He said, "Yes."

Mr. PHILLIPS. Mr. Silverman, one of the points you made which I am particularly interested in, was when you said that for a period of a month or two Franklin K. Lane did not report any untoward instances or any incidence of crime; is that correct?

Mr. SILVERMAN. Yes, to the board of education; right.

Mr. PHILLIPS. In other words, the report of that month was not filed, or they just reported "zero". Would you tell us how that came about?

Mr. SILVERMAN. It is my understanding that the reports were, at least a 2-month period, were not reported. They were later filed when these reports, I understand, were requested by the chancellor. They were filed later.

I understand from other people who talked with Mr. Selub, that Mr. Selub feared, or in some way was told, that his figures were too high, and they made the citywide figures too big. Indeed, in the New York Times' report of untoward incidents for the year 1971, I think the board reported something like 550 incidents citywide. This is absurd.

Mr. PHILLIPS. 550 citywide. That is not even four per school.

Mr. SILVERMAN. Yes; for the high schools and junior high schools. Just working in three or four schools, those three or four schools can probably account for that number.

Mr. PHILLIPS. That is the point I am trying to get at. Is there a policy or an attitude of the board of education not to report this? To bury this information?

Mr. SILVERMAN. I think we are both trying to get at the same thing. I have been working at this for a number of months now. Various school officials have told me different things, and various law enforcement people.

Mr. PHILLIPS. Could you tell us about the consensus?

Mr. SILVERMAN. When you ask me that, I can think of a number of conversations.

Mr. PHILLIPS. Would you please tell us about them?

Mr. SILVERMAN. One conversation with a high school official: He said that any publicity about conditions in the schools, violence, would lead to further loss of white students. He said that he was primarily concerned with keeping the confidence of white parents in the public school system of New York City, and that reports of conditions in the schools would drive white families either out of the public school system or out of the city.

I think, indeed, a number of principals whom I talked with feel this is a way they are being tested by their superiors—on how they can hold on to the white population in the schools.

One way I found—I think it has been said here—is to put your head in the sand and not to report, and to suppress information.

Mr. HAFETZ. Your understanding of the nonreporting of the situation at Franklin Lane, was that based on conversation with the principal, himself?

Mr. SILVERMAN. The conversations are filmed interviews with the principal, Mr. Selub. In the filmed interview he talks about not reporting. I don't believe I was able to find out from him his reasons for not reporting.

Mr. PHILLIPS. You asked him and he was evasive?

Mr. SILVERMAN. I think he said he didn't know what an untoward incident was any more.

Mr. PHILLIPS. I have no other questions, Mr. Chairman.

Chairman PEPPER. Mr. Wiggins?

Mr. WIGGINS. Yes, sir.

I do not believe you answered fully the question of my colleague from New York with respect to the response of the school, itself, to the problem which you described. What was their program in coping with this problem?

Mr. SILVERMAN. I think they relied greatly on teacher patrols. I think there is a drug coordinator at the school. I would know more about whatever drug prevention programs or drug control programs there are at Lane if I were permitted to work at the school. I wasn't; I was kept out.

Mr. WIGGINS. Your answer reflects speculation on your part. Do you know what programs the school instituted, if any, in response to this problem?

Mr. SILVERMAN. In a written report I noticed there were, I think, four people at Lane, on the staff of Lane, who were assigned to go out and go into the homes of troubled youngsters. These were four people, with an official registration of some 4,500, and a truancy rate of about 50 percent.

Mr. WIGGINS. Had that program been instituted following your investigation or was that an ongoing program when you commenced your investigation?

Mr. SILVERMAN. I think it was ongoing. I think there were at that time seven uniformed policemen, a number of special security guards or employees of the board of education. I might say that the drug sales that were observed by us and the drug sales that were later made to an undercover policeman were made at the same time that there were seven uniformed policemen assigned to the building and a number of security guards, and teacher patrols, and often the principal out in the halls, walking around.

Mr. Wiggins. Let me put this in summary form. When you commenced your investigation, you observed that the school had seven uniformed officers stationed about the school structure?

Mr. Silverman. Yes.

Mr. Wiggins. That there were students and teacher patrols, apparently for the purpose of maintaining some order in the school. There were some undercover personnel from the board of education?

Mr. Silverman. Not undercover. Uniformed security.

Mr. Wiggins. From the board of education?

Mr. Silverman. Yes.

Mr. Wiggins. And a program of home visits to problem children. Is that a fair summary of the program that was ongoing when you commenced your investigation?

Mr. Silverman. I believe so. I think the home visits were carried on probably by the people from the bureau of attendance, yes.

Mr. Wiggins. It must be a fair conclusion, then, that this program which we have just described wasn't working at all, if its objective was to hold down the sale of drugs and narcotics in that school.

Following your investigation and your revelations, and the statements and conversations you had with the school adminsitrator, was any change made in that program?

Mr. Silverman. I don't know. I think there were, perhaps, one or two more security guards assigned.

Mr. Wiggins. When did this investigation of yours take place?

Mr. Silverman. February and March.

Mr. Wiggins. Of this year?

Mr. Silverman. Yes.

Mr. Wiggins. Now, quite apart from what the school was doing, what did you observe that the police department, city of New York, was doing about the crime problem?

Mr. Silverman. I think the uniformed men learned to coexist with the kind of street corner society that they found at Lane. Just as so many teachers and supervisors have done, they have learned to look the other way.

Mr. Wiggins. Well, now——

Mr. Silverman. I think some of the sales, Mr. Wiggins, outside the school, the suspected heroin dealers made sales to an undercover policeman posing as a Lane student, with uniformed policemen often less than a block away.

Mr. Wiggins. Well, you described the series of arrests that were made during the course of your investigation. It is my understanding of your testimony that you were sort of a participant in setting up that special surveillance out of which the arrests occurred.

Mr. Silverman. Yes.

Mr. Wiggins. Prior to your initiative in doing that, was the police department of the city of New York actively investigating drug sales at this school?

Mr. Silverman. That is a question I also had in mind for a number of months.

Mr. Wiggins. Do you have an answer to it?

Mr. Silverman. I think the responses from the board of education officials have been vague. Officials have said they think there was an undercover operation in there within the last few months. It has been difficult to ascertain when the last operation was in the school, and I certainly would hope that the committee would find this out.

I think that what your question touches upon is a serious situation. The problem of narcotics traffic in New York City is so extensive that the police department and other law enforcement agencies have put most of their manpower, most of their effort, and perhaps rightly so, to, as they say, "work up." To work up to the big men, the big dealers. The street sellers have too often slipped by because of this.

I have talked with a number of policemen who have just come to believe that locking up a street dealer—and these are the people who pass heroin to high school students—locking up a street dealer they feel is often not worth the paperwork, not worth the court appearance, and not worth the grief and frustration of having what they consider a good collar, a good arrest, thrown out in the courts. I think police frustration with the district attorney's offices and the courts is a serious part of this problem.

I might say one thing. After the Eastern District arrests—as I mentioned, the arrests in the Eastern District High School came about as a result of information given me by three or four people. They just came to a position of trust that they could give information and they could survive giving this information, and they have.

The arrests were made at Eastern District High School, and later I had occasion to be in the office of the district attorney of Kings County in Brooklyn on business directly related to these arrests. One assistant district attorney took me aside and said, "Why are you knocking yourself out like this?"

He said heroin is a part of what he called the "black cultures." He said, "We go through the motions of trying to do something about it, but we really can't do much about it," and to "relax."

He talked to me in a way that I didn't know much about the problem. This was after I had gone several months and living closely with the young addicts in Brooklyn. I feel very definitely that heroin addiction is not part of the culture of these neighborhoods. There are a number of mothers, clergymen, who I know wish to be here and talk to you today. I have one mother particularly in mind, who has lost two of her three sons to heroin.

I remember how she come to me and volunteered her third son, a 15-year-old boy, and we accompanied him. She wanted to show us how easy it was for a 15-year-old boy to walk into a bar in Brownsville and buy heroin. I was there when it happened.

Mr. WIGGINS. This is good information you are giving the committee, but I would like you to confine your answers now to questions of police response to this problem.

You have described what I understand to be your belief that the policy of the police department of the city of New York is to concentrate on major heroin dealers, rather than street sellers?

Mr. SILVERMAN. Yes.

Mr. WIGGINS. Now, that is a conclusion on your part, and I would like to know the facts upon which you base that.

Mr. SILVERMAN. This would be conversations with the police officials. This is the result of working along with Knapp commission investigators, investigating police work and police effectiveness. Conversations with school officials, teachers.

Mr. **Wiggins.** All right. Please respond to this question. Do you believe that a narcotics investigator for the police department of the city of New York could walk on to the campus of this school or enter the structure in which it is located, to conduct his normal police activities without the consent of the principal of that school?

Mr. **Silverman.** I think in an ideal situation that he should have the consent and cooperation of the principal and the teaching staff of the school.

Mr. **Wiggins.** Well, now, I would like to inquire into the practice. In practice, did police officials feel free to enter the school and conduct their police activities without first consulting with or obtaining the approval of the school officials, themselves?

Mr. **Silverman.** It is my understanding that the usual way that police begin an operation of this kind is to consult with the principal of the school. Usually it is done at the invitation of the principal.

Mr. **Wiggins.** Right. Did any of these police officers tell you what the attitudes of the school officials were when this request was made?

Mr. **Silverman.** Some school officials welcome and seek police efforts in their schools. Too many of them turn the police away.

I think it is now the practice of the New York City Police Department to assign one member of the narcotics division to each junior and senior high school in the city. I have talked with a good many of these people, a good number of these policemen, and they say, too often they come to a school and the principal tells them there is no problem here, while they have reason to believe there is a problem there.

Mr. **Wiggins.** Well, as you know, many schools around the world have historically regarded themselves as educational enclaves, free from police control or any influence of police, just historically permitting wide, free range of expression and so forth. Is that the attitude existent among school officials in the city of New York, to your knowledge?

Mr. **Silverman.** I think this is a real question. I think certainly there is a civil liberties situation here, a consideration of academic freedom, consideration of the integrity of the school, and the confidence of the children in the school and in their teachers. I think it is a very nasty situation when teachers or a principal are called upon to give up children in the school. But I don't know the answer to this.

I do know that it is very, very difficult to have a school, a living situation, where the teachers and the kids who are going to class have to coexist with things like drug dealing in the corridors and violent episodes.

Mr. **Wiggins.** In the schools you investigated, did you come across any examples where the principal or other school officials had reported an individual to the police as selling or dealing in heroin?

Mr. **Silverman.** My direct information—I don't have direct information on that. I am sure this is happening. I know there are a number of principals who have a reputation for doing this.

When you have a principal who takes a strong position on this, generally that school is comparatively clean, free of narcotics traffic. Someone who is dealing in heroin will generally go to the place he feels safest.

Mr. WIGGINS. I understand. I would like our record to include any recommendations you have. I would like you to state them if you have not already done so.

Mr. SILVERMAN. I would like to say one thing, particularly. What I have in mind now are the children, the parents of the children who have high hopes about the public school system in New York City and with them, I would like to see the schools give these children the basis for further education and for meaningful employment.

I think there are too many children being written off. You know, if a kid doesn't go to school he becomes a truant, he goes some place, he goes in the streets. A kid who may not be able to read may still be of value to the guy on the corner with some kind of hustle.

The police in West Harlem, in February, confiscated about $80,000 worth of heroin. The boss of the operation was 17 years old. He had learned the business early as a runner, when he was 15 or 16; at 17 he was a boss and had about a dozen or so other kids working for him as cutters and baggers; and they were younger than he was.

The police considered this a major heroin operation in West Harlem. Run by a boy 17 years old. I am told this is not atypical. If the kids are not learning in school, and if they are sharp kids, they will learn in the street.

I think that the members of this committee and the other Members of Congress have made available hundreds of millions of dollars in Federal aid under the Elementary and Secondary Education Act of 1965 to the New York City schools, and I think the Congress has sent this money into New York City without any followup.

How are they spending this money? I think there is an opportunity for legislation so that the people receiving money will be accountable to the people who are giving them the money. You know, the kids call Lane "The Fortress," see? I found it is kind of like a big center for adolescents, for the most part.

Now, I think it is the intention of the Congress in giving the money, particularly under the Elementary and Secondary Education Act of 1965, to have this money reach deprived children. I think if it is going to reach these children, you are going to have to make sure that it does. I think in situations where it doesn't, those schools should be federalized for a period of time, to where you feel the school is again functioning.

I think if you are going to keep entrusting a school, such as Lane that has facilities for 4,000 children, to men who coexist with the conditions we have been talking about, you will have the same thing next September, and the September after that.

There has to be some accountability, some responsibility. The people in New York City, and the board of education, I believe, are confident they can talk any problem to death, and I think they are confident they can talk this problem to death and get back to New York City.

This is not the first hearing they have gone to. They have gone to a number of them. I don't think they are in good faith.

I did a program in January. I accompanied two street addicts who got up at 6:30 in the morning sick, no money, no heroin. They had to "cop," buy heroin, six, seven times during that day just to stay straight; not to get high, just to stay straight.

And we have shown film—I think you have seen it—we have shown film of these children. One was from the Eastern District and the other was from Bushwick. They began those heroin habits in those schools. They shot up for the first time in those schools. Bought heroin for the first time in those schools. Once their habit got heavy they were in the streets. They were too busy to go to school.

One was 20: he had two children and had a habit where he was shooting seven times a day, four or five bags at a time. And he had to get the money for those bags. Each one cost maybe $5.

So he would steal: go look for a connection; buy heroin; go look where he hid away his works, needle, cooker; and then go look for a spot that he felt he was safe to shoot up.

One place, we were with him on a number of occasions there, was a staircase leading to the roof of a tenement.

Now, following that film—that film was shown on television—about 10 minutes later the chancellor of the city schools, Harvey Scribner, called me and said, "How can I help?" You know, I was taken aback by it. "How can I help?"

At that time he talked about an outreach to the children who were in the streets. The children were not in schools, but were of school age. And the chancellor knows that there are thousands of children of school age who are chronic truants and there are a thousand more who have never been registered in New York City but have lived there for years. They are children 11, 12, and 13 years old, who have never been to school in New York City and lived in that city all of their lives.

Now, isn't it about time that someone found those children and tried to help them? Ten years ago Dr. Conant conducted an investigation of education in high schools, particularly education in high schools in New York City. He said, after visiting neighborhoods like Brownsville and Williamsburg, that he could safely say that half of the boys between the ages of 16 and 21 were out of school, were out of work, without prospect of further education, without prospect of employment.

If the study were done for the past 2 years in these same streets, I would say now the statement by Dr. Conant could be enlarged. I would say in some neighborhoods half of the children 13, 14, 15 are out of school and not working.

Mr. **Wiggins**. Let me interrupt for a moment. In some parts of this country people would not tolerate this. In some places an outraged citizenry would be in sufficient control of their own schools to demand the changes be made and be in the position to enforce their demands. Is that not true in the city of New York and if not, why not?

Mr. **Silverman**. As you recall, 3 or 4 years ago there was quite a move to decentralize the schools and it was hoped to be for accountability. One of the chief proponents was Dr. Kenneth Clark. Dr. Kenneth Clark is recently quoted as saying he feels decentralization efforts in the city of New York have failed. From what I know, I would say this is true. Too many things are failing in school matters, too many parents are not coming to meetings, too many drug programs—programs designed for drug prevention—are being infiltrated by dealers and there are people in positions of trust in drug prevention programs, drug rehabilitation programs, who are, in fact, dealers and are doing what they consider ripping off the system.

Mr. **Wiggins.** Are the people of the city of New York, in your opinion, apathetic about this program?

Mr. **Silverman.** I think there is too much feeling of deceit. I talked with a young girl the other day who asked me if I could get her a job. I first knew her as an addict when she was going to Wingate High School. She has kicked the habit. She says a number of other friends have kicked the habit. They have done it largely by themselves.

She told me one thing, she said, "you know, we have got to do business by ourselves." They have given up on getting help from the city, from the school system, from government. It is my sense that this is sad. I don't think they should have to do business by themselves.

Mr. **Phillips.** May I just follow that up. I think the Congressman asked were the people apathetic, was the administration apathetic, whether the board was apathetic. Essentially, until we find out who is responsible for this and someone understands that responsibility and starts to execute it, no progress at all is going to be made.

Mr. **Silverman.** I agree with that wholeheartedly. I think you have a cynical bunch in control of the public school system in the city of New York. One other investigator of the same system has called it "a sick bureaucracy" and it is one which has been able to sponge up criticism and go on as if that criticism never occurred.

Accountability—whose responsibility? I think you have a hard job finding out who is responsible.

Mr. **Phillips.** One of the questions that came up in other hearings in New York was how we could make this "sick bureaucracy," as you call it, more responsive to the complaints. You say that you put on a newspaper and television exposé of this and there seemed to be some responsiveness there. How can the system, in your opinion, be made more responsive to the complaints that you have made and these parents are making, and the future these kids are being subjected to?

Mr. **Silverman.** I think in terms of this investigation of narcotic use by schoolchildren in New York City what you are seeing is the result of years of frustration, frustrated children who don't learn to read in the schools. Children come to school hungry and don't find the school breakfast. Children who come to school with undiagnosed illnesses and don't find doctors or nurses in the school. Children who may not have slept the night before they came to school, or the night before that, and nobody knows.

I talked with one child who came to school after being taken out of his burning apartment, down a fire ladder; and he went to school just like every other child. There was no special attention given him. Three or 4 days later he showed up in Mt. Sinai Hospital, traumatized.

I don't think you can assume that just because a child shows up to a school building at 8:47 in the morning, he is ready for a learning experience. I am talking about little children. I mean, you have to check out each child. I don't think you can teach a class any more. You have to have a one-to-one relationship.

And I don't think that, whatever efforts you engage in, you can solve this problem in the high schools or the junior high schools. It really has to be solved in the feeder schools, in the elementary schools.

I think you have to have children coming to the high schools who don't feel deadly frustrated and aren't tired and aren't hungry, and aren't angry, aren't mean. It can happen. Certainly, the teachers can play a very important role in these people's lives.

The people who run the school system in New York know it. Now, I have done stories. I have done stories of a young teacher, teaching in—Ira Shapiro testified. Ira Shapiro I found to be a saint of a man. This young teacher moved into the neighborhood he was teaching in, went home with his kids often, met with the parents, helped with homework. The kids knew this was not a "con," this was for real, and I think the children know when something is for real, when someone is really making an investment in them, and I think they also know when they are being processed and conned.

I think when you make an investment in the child it is a good investment.

Chairman PEPPER. Mr. Sandman.

Mr. SANDMAN. Mr. Silverman, sometime ago you testified before this committee. You said that NBC was going to make some sort of exposé.

Mr. SILVERMAN. I don't follow your question.

Mr. SANDMAN. Has NBC made any kind of an exposé of this particular investigation that you have made?

Mr. SILVERMAN. I am comfortable with the word "exposé." Certainly, we have a series of five records called "Children Without Childhoods." There have been 11 programs since January on the narcotics problem in the schools and massive truancy, yes.

Mr. SANDMAN. I was so impressed with your testimony that I told any number of people back in my district about it. The New York stations do circulate in that area and it has never come to my attention that NBC has put on any program since we first learned about it.

When are they on? I think they are very valuable.

Mr. SILVERMAN. These have been on at 6 o'clock and 11 o'clock, as segments of the regular newscast.

Mr. SANDMAN. Prime time?

Mr. SILVERMAN. I don't think it is considered prime time, but at a time when people should be watching television.

Mr. SANDMAN. You made several points here that are very important, I think, and I am trying to rationalize what we do about it. The city comptroller, as I recall his testimony felt that you had to have somebody in the schoolyard, you had to have somebody in the school, to watch what was going on because it was so easy to sell drugs on the school property; easier on the school property than it was in the streets. Is that correct?

Mr. SILVERMAN. Unfortunately, I believe this has been true in a good number of schools.

Mr. SANDMAN. You say the student patrol would be too dangerous and probably wouldn't work. Did I understand you correctly?

Mr. SILVERMAN. It may work, Mr. Sandman, but at great cost. First of all, I think that youngsters should be in class, in algebra and geography and whatever, and not in the hall. I think to encourage, to bring somebody along this way, what they call to use "peer group pressure," how many steps away is peer group pressure from vigilantism and do we want vigilantism or do we want law enforcement.

Mr. SANDMAN. What I am trying to say is that in a juvenile population you are not going to get very good law enforcement, having an adult in that section, trying to find out what they are doing. It would seem to me someone their own age would be more apt to know what is going on. Isn't this so?

Mr. SILVERMAN. I think this leads in a number of ways to nasty situations. I think in high school there are police officers who can pose as high school students, and in very serious situations such as Lane, unfortunately, I think this has to be done. It is not pretty, but it has to be done.

Mr. SANDMAN. Yes. But you say they did do this at Lane and it had no result at all.

Mr. SILVERMAN. I say I don't know what the result is. I know at Eastern District, where it has been done, I am informed it has had positive results in that the pushers in the Williamsburg area now feel that the heat is on at Eastern District High School. Instead of dealing there, they will deal some place else. And by dealing some place else, it makes it easier for the principal and the teachers and the kids to have, what is hopefully, a learning situation in the school.

Mr. SANDMAN. I know New Jersey has a very rigid law and a heavy penalty against an adult who sells any kind of addictive drug to someone under the age of 18. Does New York have a similar statute?

Mr. SILVERMAN. I don't know. The New York statutes—am I correct, Mr. Phillips—are geared to the amount of drug sold?

Mr. PHILLIPS. They don't. There have been a number of bills introduced to have that effect. I don't know that any of them have passed. There were bills in the State legislature of New York to make it a very serious crime to sell heroin to a minor. There were a number of controversies about it because sometimes these sellers are also minors. I think it has not been enacted.

Mr. SANDMAN. In New Jersey, if an addict sells any kind of addictive drug, such as heroin, to someone under the age of 18 he can get 10 years. We have had several convictions, and it has stopped it from the adult stage. I was wondering if they had tried it in New York, where they have such a rampant situation.

Mr. SILVERMAN. Not that I know of.

Mr. SANDMAN. One of the people who testified the other day gave alarming statistics and said in one high school, with a population of just 1,000, there were 1,000 heroin addicts. In your opinion, could that be true?

Mr. SILVERMAN. I don't know. If this is so, I doubt that the heroin habits are very heavy. Through my experience, in a way, the heroin addiction problem from the school point of view is a self-limiting one. The school people have to do nothing and the problem goes away. Because the addicts' habits become so heavy that they will be too busy to go to school. The school officials know this.

Mr. SANDMAN. The most important thing I derived from the hearing up there was the fact that New York does have a law by way of precedent, not statute, which gives a schoolteacher the right to search or take away from any student an addictive drug or paraphernalia.

From what you observed at this particular high school, Franklin K. Lane, did the schoolteachers exercise that obligation?

Mr. SILVERMAN. I think a very important factor here is the concern, the fear of teachers in doing this. I think the chief concern is "Will they be backed up by their superiors; will they have proper counsel in the hearing."

Mr. **Sandman.** First of all, let me ask you this way: Did you find any cases where the teachers were taking heroin, or paraphernalia, or whatever it may be, away from the student, or make him empty his pockets?

Mr. **Silverman.** I was not in the school. I have been told by teachers and by deans of the school that this does happen. I was shown a collection of knives that were confiscated in the school by deans and teachers, a collection of dice used in the games. I did not see any paraphernalia. If this was seized, it was probably turned over to the police as it was seized.

Mr. **Sandman.** Did you in your investigation question any of the principals as to how many cases in a particular year the teachers referred to the principal in the various schools?

Mr. **Silverman.** I think, Mr. Sandman, this whole question of reporting and the development of a reporting system with integrity is a matter of current business. I know that the reporting so far has not had integrity. And too often, as in the case of Mr. Selub, the principal finds reasons to stop reporting and I think these reasons, which are yet to be determined, are crucial to this whole investigation.

Mr. **Sandman.** You mean the princial deliberately did not report?

Mr. **Silverman.** Yes.

Mr. **Sandman.** Do you have evidence of that?

Mr. **Silverman.** This is what he told me.

Mr. **Sandman.** Under the New York law he must report is that correct?

Mr. **Silverman.** I am not familiar with the law, but I understand it is a board of education procedure for principals to report monthly on what they called "untoward incidents in the school."

Mr. **Sandman.** Did you confront any of the principals or teachers and ask them why there wasn't a better system in that particular school in apprehending these people who are handling drugs?

Mr. **Silverman.** I think a key to this is fear, two kinds of fear. One is the obvious fear of confronting a youngster who may be carrying heroin and if he is, he is quite uptight about it, maybe carrying a knife or a gun, and there are very good reasons for a teacher to look the other way. I think the other kind of fear is fear of what a teacher's or principal's superiors will do once a teacher or principal takes action, even if that action is reported, on the number of incidents of crime in the building.

With Mr. Selub, the principal at Lane, finally came to the determination not to report any more, so that it was impossible for his superiors to really know what was going on in the building.

Mr. **Sandman.** Mr. Wiggins asked you a question about the fall off in attendance. I think you testified at this one high school, Franklin K. Lane High School, the attendance record was 51 percent. Is that correct? Is it as low as 51 percent?

Mr. **Silverman.** I recall 52 percent. But in that area, yes.

Mr. **Sandman.** When you questioned the principal there, which I assume you did, how did he answer that?

Mr. **Silverman.** About not reporting?

Mr. Sandman. What did the principal of that school have to say about what he was doing, or what the school board was doing, about the terrific rate of truancy in that school?

Mr. Silverman. I think he agreed with me, and with others, that this was a tremendous problem, and I think he is of the opinion that by enriching the curriculum and putting in the school good academic programs, that it would attract children who were in the district and that in this way he would get kids to come to school and stay in school.

Mr. Sandman. Did he recommend any better system of discipline?

Mr. Silverman. He told me that he needed more security guards. He said he would need about 20 security guards to really do a job there but that he doubted, because of the budgetary situation in the New York City school system, that the board would assign any more school security guards.

Mr. Sandman. One of the other witnesses last week testified that about 90 percent of the student body had had some experience with some kind of a drug, whether it be marihuana, pills, or some kind of addictive drug. Do you agree with that figure?

Mr. Silverman. I have no way of knowing that.

Mr. Sandman. Neither does anyone else, really, because they have no reporting system.

If the situation is as dangerous as it appears, perhaps the worst place to send a child in New York City is to the local high schools. He has got more chance of getting in trouble going to that high school than if he stays at home, hasn't he?

Mr. Silverman. Unfortunately, in a number of high schools this is true. I think it is spotty. I think the board of education has made a real effort in some places, and there are a number of functioning high schools in New York City, there is no question about it. I am satisfied that there is a genuine effort on the part of the chancellor and others to develop high schools that are functioning.

I think the tendency has been to put the most effort in the schools that have the greatest chance, and I think the least effort has gone into the areas of greatest trouble, and particularly not only to the children who attend problem high schools like Lane, but the children who attend no high schools at all, or the junior high schools.

Mr. Sandman. District Attorney Roberts, I believe from the Bronx, testified that in his opinion about 95 percent of the student body are good kids and really would like to learn. He said it was only the other 5 percent that is causing all of the trouble.

He recommended that that 5 percent be separated and sent somewhere else. Do you share that opinion?

Mr. Silverman. I have no way of knowing——

Mr. Sandman. I mean, just by observing, would you say this is a true statement?

Mr. Silverman. I don't know.

Mr. Sandman. That is fair enough.

Thank you.

Chairman Pepper. Mr. Keating.

Mr. Keating. Thank you, Mr. Chairman.

I want to thank the gentleman for appearing here today. We did hear his testimony earlier and I suppose it is as a result of that you are here today. I thank you for your interest.

I recognize that your association with this problem has been on a professional level and I do not know how deeply you have been involved in investigation or conversations with the principals and teachers, but I would like to ask you a question I think is somewhat keyed to this whole procedure.

Do you believe we can ever achieve a drug-free, crime-free, disciplined study body without the teacher, principal, parents, and board of education taking a strong and positive action against the offenders and those involved in the traffic of drugs within the school, itself?

Mr. SILVERMAN. No, I don't think you can.

Mr. KEATING. So that to get to the purist theory, which we would all like to achieve, where the teacher does nothing but teach in the classroom, is impossible at this stage; is that true?

Mr. SILVERMAN. I don't think it is impossible. I think that teachers assigned to classroom teaching, by subjects, should be doing that.

Mr. KEATING. And not becoming involved in the disciplines of the school?

Mr. SILVERMAN. I think it is very risky business. I think the classroom teacher should feel secure in his classroom, and I think there should be other people who are concerned with school safety and school health. Just as the classroom teacher cannot really do his job now without security people, I do not think he can do his job without health people. I think it is a great neglect to children's health.

Mr. KEATING. Let me get back to the point. On the one hand we cannot achieve this goal without the involvement of the teacher and the parent and the principal, but on the other hand you are saying that for the teacher, it is pretty risky business for him to become involved. We should leave it to other people. Who are those "other people"?

Mr. SILVERMAN. I think, Mr. Keating, if, as I believe you had at Lane, if you had a fellow who was dealing drugs from a classroom and there are people coming in and out of that classroom and he is going out with them, and the teacher lives with this, something is wrong. Certainly that teacher should seek help from other authorities in the school. But I think if there is to be classroom teaching at a place like Lane, the other people, attendance teachers, caseworkers who deal with the families, doctors, public health nurses, and policemen——

Mr. KEATING. Well, then, we are involving teachers and people within the educational system in the work of trying to rid the schools of drugs; are we not?

Mr. SILVERMAN. If the drug problem reaches into the classroom, the classroom teacher certainly is involved. Someone ought to do something about it.

Mr. KEATING. How can you isolate the classrooms, hallways, school steps, and the school grounds?

Mr. SILVERMAN. That's just it. I agree with you, you cannot isolate the classroom. But I don't think it is the job of the classroom teacher, the primary job of the classroom teacher, to be concerned. Other people have to be concerned with it—and these are security people.

Mr. KEATING. Then the teacher is to see it and do nothing, is that what you are suggesting, even if it is in a classroom or in the hall?

Mr. SILVERMAN. No; I think the teacher certainly can report on conditions to a superior. A teacher, as a citizen, can report on conditions to the law enforcement people.

Mr. KEATING. Isn't there some responsibility to do so?

Mr. SILVERMAN. Certainly. From my understanding of your question, I feel there is great danger in teachers taking direct action against young people who may be carrying knives and guns. Many teachers realize this and there is good reason why they look the other way.

Mr. KEATING. Shouldn't they report it?

Mr. SILVERMAN. Hopefully, they should.

Mr. KEATING. I think it has to be more than "hopefully." Are the students supposed to police themselves?

Mr. SILVERMAN. No.

Mr. KEATING. You cannot use students as undercover agents very well, can you, at that point?

Mr. SILVERMAN. No.

Mr. KEATING. And you cannot use an undercover agent in junior high or the first couple of years of high school. Then, who is going to make the determination? Who knows better what is happening around the school than the teachers and the principals and the caseworkers?

Mr. SILVERMAN. In the lower grades I think you have greater, as you say, the actuality of the situation, there is greater reliance on the teacher. But I think, also, the school nurse, hopefully school doctors, will be assigned. I think there are many missing professions on the school scene. Where are the doctors, where are the nurses, where are the examinations of children?

In the same way we do manage to conduct vision and hearing tests. Why don't we go beyond that?

Mr. KEATING. Do you propose the doctors should walk the halls and sit in the classrooms? Is that what you are suggesting?

Mr. SILVERMAN. No; I am not suggesting that.

Mr. KEATING. That is right. But who sees the students day in and day out in the hallways and byways of the schools?

Mr. SILVERMAN. Of what grade are you talking?

Mr. KEATING. Through high school. Junior high through high school. Who sees them, who knows the students he is teaching, and who should be able to tell when one is out of sorts and one is out of step? Can he report this? Can he counsel with the students occasionally, try to help those who really want to help themselves?

I realize there is a danger if there is a pusher in the school, but there are ways of handling that. By and large, the teacher really should know the students. And you know, there are many schools that many of us can go back to, or many teachers we can see who taught 30 and 40 years ago, and they still remember the names of their students. They still remember them.

I realize it becomes more impossible with the sheer numbers that they work with today to do the same thing, but on a day-to-day basis, they teach the same students, they spend most of their time, their waking time at the school, those who go, and it just seems that the best lead into the solution of this problem is for them to become involved.

Mr. SILVERMAN. I couldn't agree with you more.

Mr. KEATING. And to be supported by the principal.

Mr. SILVERMAN. Yes.

Mr. KEATING. And to be supported by the parents.

Mr. SILVERMAN. Yes.

Mr. KEATING. I can see where the teacher would become extremely discouraged if he knows he is trying to accomplish something and he is not going to be supported if it gets a little touchy, or the school board is not going to back him up, or the parents are going to scream if there is too much enforcement around the school. But somewhere within the professional educational community, that level, we have to have strong and positive leadership to lead us out of this mess. Because that is where the exposure is.

You cannot put a law enforcement officer in every corner at every school; but it is going to come to that unless the educational area can lead and say this has to be done and that has to be done.

Then the question comes: Where is the money to do it all? But it seems to me that a lot is the willingness of an individual to be responsible for the students whose care and custody he has under his control.

I yield back the balance of my time.

Chairman PEPPER. Mr. Brasco?

Mr. BRASCO. Mr. Silverman, you indicated that a number of students did not attend school but were carried on the rolls. But the reason why they went back to school was because that is where the action is. It has been stated by a number of witnesses who preceded you that as a result of inaction on the part of school administrators with respect to this critical problem, that the schools have become havens for drug pushers; that they feel by virtue of the numbers and by virtue of the lack of cooperation on the part of school officials that they can deal in the schools with relative ease and safety from arrest. Do you agree with that?

Mr. SILVERMAN. I agree with that; yes, sir.

Mr. BRASCO. I think what my colleague, Mr. Keating, was getting at, very simply, was that the teacher for the major portion of the day is placed in the role of being the extension of the natural parent. They have to have the tools with which to deal with students on a 1-to-1 basis. And while I don't envision them, and I am sure the system of education doesn't envision them, as being in the role of policemen, it seems to me there has got to be some response. There has got to be some response when you know there are students nodding off in the back of the room or acting in such a way that clearly indicates they are using some type of drug during that school period.

Teachers have got to take some action on their own. I appreciate the fact that most teachers do not act because they don't know whether or not their superiors will stand behind them and they tend to become discouraged. Has that been your experience?

Mr. SILVERMAN. Absolutely; that reminds me, I did a number of interviews with former teachers at Lane. As you were talking about it, I was thinking of a former teacher, Judy Fryor, who was beaten at Lane, in which she felt was an attempted rape in a music room.

As an indication of the kind of support she received, she remembers being walked to the subway, she was allowed to go home on the subway alone and when she got home, nobody called her. It was several days, the following day, I think there was some contact. She felt, in a situation like that, she told me she couldn't believe how alone she was. I think if a teacher feels alone, you know, a teacher is going to feel most fearful and be least likely even to report something.

Mr. **Brasco.** During the course of the gathering of the testimony for this hearing it has come to our attention that there were teachers assaulted at Franklin K. Lane, and that in a number of those cases they even refused to press charges, themselves, because of what they consider to be lack of cooperation on the part of their superiors; is that correct?

Mr. **Silverman.** I found that to be true, yes. I think that very often—I am thinking now of the children, the students at Lane—the victim of an assault in Lane often finds that he is transferred out of the school. The school people feel now it is too dangerous for him to stay, particularly if he testifies or gave information on the assault. I think it is just too much fear.

There is too little followup on these incidents, and in general, gutlessness, particularly on the part of the superiors and the board of education. The teachers feel they are in the trenches with very little support. I think, as you know, a number of teachers have gone to you for help, and they feel they are in some kind of outpost there at Lane.

I might say that one former teacher at Lane whom I talked with—and he was no longer teaching in the New York City system, but was teaching on Long Island—was ready to be interviewed on television about his experience at Lane. He felt very strongly about what had happened to teachers at Lane. He left because of the violent conditions there.

He, at the last moment, changed his mind about being interviewed because of fear, even though he was away from the situation.

Mr. **Brasco.** We had the same situation in picking a site for the hearings. I thought it would be useful, in New York, to hold hearings at some of the schools. We had that same kind of reaction you spoke of. I think this is where the board of education makes its biggest and most fatal mistake, in not handing any policy down, but instead allowing students to determine whether or not NBC, or the police, or public hearings are to be permitted in the schools.

Mr. **Silverman.** Yes.

Mr. **Brasco.** No further questions, Mr. Chairman.

Chairman **Pepper.** Mr. Rangel?

Mr. **Rangel.** Thank you, Mr. Silverman. I did not hear your testimony this morning, but fortunately I was able to hear your testimony when we met in executive session.

How long did you have the opportunity to investigate the conditions that exist in Franklin Lane High School?

Mr. **Silverman.** Franklin K. Lane?

Mr. **Rangel.** Yes, Franklin K. Lane.

Mr. **Silverman.** It was over a period of about 3 months.

Mr. **Rangel.** Did you have a chance to investigate other high schools, or was it just this one you concentrated on?

Mr. **Silverman.** This was the one we concentrated on. We also have done work at Eastern District, in the area of Bushwick High School, Wingate High School.

Mr. **Rangel.** Did you find the same conditions, as related to drug abuse, prevalent in the other schools?

Mr. **Silverman.** I think the drug problem at Lane is mild compared to the problem at some of the other schools, such as schools in the Eastern District, for instance.

Mr. **Rangel**. In the course of your investigation, did you have teachers, educators, serve as consultants to you?

Mr. **Silverman**. I believe they confided in me; and many, many conversations with teachers, with former teachers, and particularly I found some of the most knowledgeable people are the people in the bureau of attendance, who make home visits and who deal with children who are going to school sporadically, or not at all.

These are very frustrated people. For one thing, the attendance teachers are being cut. I think, if anything, there should be additional attendance teachers. If a child doesn't show up at school, something is wrong.

Mr. **Rangel**. Other than the people you interviewed, did you have professional advisers or someone you would consult with in terms of preparing your questions in the course of your investigation?

Mr. **Silverman**. I don't think there is any formal relationship of consultants, but I talked along the way with dozens of teachers and school officials and police officials.

Mr. **Rangel**. At Franklin Lane, did you have the opportunity to investigate the community in which the high school was located?

Mr. **Silverman**. Yes, I did. It was a very strange district there. You had most of your students coming by train, a distance of 40–45 minutes. From Brownsville, East New York, predominantly black, Spanish areas, being brought into a school which is located in a predominantly white area. There is a history of tension, misunderstanding. I think the hidden issue here is that too often I heard Lane described as a dumping ground for troublesome children.

I think the children, themselves, want to know why they are being taken such a distance to go to school, so far away from their own schools.

Mr. **Rangel**. Well, in the course of your investigation had any of the teachers or the supervisory personnel been able to describe anything that was troublesome about them, other than the color?

Mr. **Silverman**. I think that question touches upon a essential issue here and I think it is the issue of expectations. I think where a teacher sees a child and doesn't see implications of color, just sees the child and invests in that child, as I said before, the investment is good.

I have worked stories there on numbers of teachers. For instance, a number of white teachers who are doing loving and wonderful work in the areas where most of the children are black. But I think there are also situations where children are not considered, for instance, as college bound, maybe because they come from a poor neighborhood, or don't look like somebody who is college bound. I think it is a terrible decision to make when a child is 14 or 15, that they are not college bound.

Mr. **Rangel**. Would you say the community surrounding this school resents the fact these kids are being brought into that school?

Mr. **Silverman**. I have no direct knowledge, but this has been reported to me often. There was a history there of street violence, and——

Mr. **Rangel**. So there is a general hostility in the surrounding community toward those students who are coming in?

Mr. **Silverman**. This has been told to me, yes.

Mr. **Rangel**. Do you know whether the teachers, or anyone in the school system, have attempted to work with the community to bring about a better relationship?

Mr. **Silverman**. If efforts have been made, I am not aware of them.

Mr. **Rangel**. So that the relationship between the students and teachers, and school and community, are not all just because of the drug problem?

Mr. **Silverman**. No, not at all. I think, essentially, you have a situation here where people do not know each other well enough. I would like to see the teachers know their children better, know the parents of those children, more contact, more investment.

I think too many teachers are leaving at 3 o'clock, on the nose.

Mr. **Rangel**. What percentage of the children would you say come from the area surrounding Franklin Lane High School?

Mr. **Silverman**. I don't have the exact figure, but I think it is probably in the area of 20 percent or less.

Mr. **Rangel**. About 80 percent would be coming from black and Puerto Rican communities?

Mr. **Silverman**. And those communities are some distance away.

Mr. **Rangel**. And were the principals of the school, or the supervisory personnel able to give you additional information as to why this was done at that particular school?

Mr. **Silverman**. Officially, no. I know there is litigation in the court now on this districting question. There is a suit, feeling that the districting is in violation of recent Supreme Court decisions.

Mr. **Rangel**. Thank you.

Chairman **Pepper**. We are going to have to recess. We have a record vote, Mr. Silverman, we will resume at 2 o'clock. We would appreciate it if you could come back.

(Thereupon, at 12:30 p.m., the committee was recessed, to reconvene at 2 p.m. this same day.)

AFTERNOON SESSION

Chairman **Pepper**. The committee will come to order, please.

Mr. Winn.

Mr. **Winn**. Thank you, Mr. Chairman.

I am sorry I had to miss about 45 minutes of your testimony—and you may have answered this question—but I was up in New York.

Anywhere in your investigation, did you see or hear or run across any references to any directions from the board of education as to how the schools or the principals should handle drug addicts or drug users? In their individual schools? Any policy?

STATEMENT OF IRA SILVERMAN, INVESTIGATIVE REPORTER, NBC NEWS, NEW YORK, N.Y.—Resumed

Mr. SILVERMAN. Mr. Winn, I found great confusion among teachers as to what was expected of them, what their rights were, what their legal rights were in the school setting. I think there have been a series of circulars within the board of education, but I have also had—the tenor of teacher comments is that they are confused over what action they should take.

Mr. WINN. Did you see any written or printed instructions from the board of education to any of the principals, anywhere?

Mr. SILVERMAN. I think I did see one circular on suggestions on narcotics control.

Mr. WINN. Was this in the form of enforcement? I mean referring to enforcement problems?

Mr. SILVERMAN. I believe it has been some time since I saw it, but I believe it did refer to enforcement and to relationship of school principals and supervisors with the police.

Mr. WINN. Did you see any educational material, as far as art work, posters, leaflets, or handouts that you felt had been sponsored by the board of education, in any way?

Mr. SILVERMAN. Yes, sir; I did. I remember at Wingate High School, there was much of this material, and there was a very good working relationship, what seemed to me a very good working relationship, with the program at Kings County Hospital, Downstate Medical Center, a combination city and State facility. There were referrals and there seemed to be quite a good working relationship between the school people and the hospital people.

The location is, interestingly enough, within walking distance of the hospital. It seems to have been quite a successful referral program there.

In addition, a school called Wingate Prep was created, a facility for children who did not seem to be able to make it at Wingate. I think a good number of kids who go to Wingate Prep had some drug experience, and I tried to followup as best I could with some of the students there.

My impression is that they found that they are much more successful in the smaller facility, Wingate Prep, and also with teachers and the principal, or headmaster, who they feel the kids would say was legit, for real. Somebody really cares.

Mr. WINN. How large an enrollment does Wingate Prep have?

Mr. SILVERMAN. Wingate Prep is about 250, I am told.

Mr. WINN. And about how big is Wingate High School?

Mr. SILVERMAN. About 3,000.

Mr. WINN. I hope you are not saying that the only way we can take care of this problem is to have our schools within walking distance of the hospitals?

Mr. SILVERMAN. Not hospitals, but I think certainly there has to be a better delivery system. Medical services, particularly in the area of public health, close by to where the children are. There is not that much mobility. I have met children who are 14 or 15 years of age, who have grown up in Brooklyn and never been out. There is not that much mobility. If the facility exists too far away from where that child is in reality living, he may not discover it, he may not discover it in time. I think it has to be very close to home and it has to be the right kind.

Mr. WINN. I think in your earlier testimony—and I want to clarify this in my own mind—you said you thought the difference was in the authority, either the principal or those in charge of each individual high school.

Mr. SILVERMAN. Absolutely.

Mr. WINN. And at some of them they had a low rate of drug usage and drug addiction because of the policy of that principal or authority.

Mr. SILVERMAN. The individual, the person who was serving as principal, the kind of character, the kind of sense of responsibility, the compassion, the determination and stubbornness of that man, or woman, is critical. The school will be an extension, to a good degree, of that person. If that person is running out of there to get home to Great Neck, and leave the school behind him, or that person is looking for expeditious answers, you are going to have a problem.

Before we went to Lane we did a series at Seaward Park High School, a high school in Manhattan, and I had a sense that the people in charge there were determined to face the problems as they existed. They again created, or attempted to create, the sense of a smaller school, created an alternative program within the building.

The last time I checked, they were still looking for a separate facility so that the children who had problems relating to the conventional school were able to come to school in a smaller setting, in a curriculum that was more flexible, and into one with which they could relate to and to teachers they could relate to.

I remember Eric Frome writing, he said:

"All children get the milk, and some children get the milk and the honey." And said, "You can tell the difference." I think if there is honey in the school, the kids know it. In a place like Franklin Lane, if there was concern among the teachers for each other, sufficient concern, concern from the principal for the people who are working for him and for their health and safety, this would be important to the teachers and to the kids.

When there is a callousness and a cold eye in the face of blood, I think it is crucial in the lives of the teachers. I think the teachers, in a way, are also overdosed on drugs, different kinds of drugs, but they are overdosed on drugs, too. They attempt to disguise reality.

Mr. WINN. Then you are saying that if the administration of a high school or a junior high, particularly the principal, makes it clear that they are not going to fool with this problem, they are going to probably have a well-organized system of control. They are fully going to report these sellers. That that not only helps that problem, but it sounds to me like they are saying that out of that type of system that they can get respect from the students.

Mr. SILVERMAN. Absolutely; it sets a tone in the life and community of that school.

Mr. WINN. So then we go back to the old word "permissiveness" that we hear about so much in our society these days. If we have a permissive operation among the educators whether it be the board of education, the principals, the teachers, then we are going to have a very loose system and high drug addiction and high drug usage. If we have a tougher administration, one that won't take this abuse, doesn't allow this permissiveness, then we are going to have less usage and less addiction. Is that correct?

Mr. SILVERMAN. I think what you have now is reckless administration of the schools where you have high drug use, and if you had a more responsible and more dedicated administration, you go a long way toward beginning to come to grips with what is really wiping out large numbers of children. They don't have a second chance.

Mr. WINN. So there is some hope in the administration, in the changes of administration, maybe?

Mr. SILVERMAN. Yes; I feel very much the spirit of what you are saying. I think, though, in saying that, the next step is how do you do it. How do you do it in the face of an entrenched school establishment such as we have in New York City?

Mr. WINN. I would imagine that you are talking about the way the board of education is selected?

Mr. SILVERMAN. I think the school bureaucracy, the supervisors above the principal level. You have in the city of New York the chancellor, and the high school division communication, and these are two critical offices.

Mr. WINN. I don't understand what a chancellor is.

Mr. SILVERMAN. The chancellor would be the equivalent of a superintendent of schools.

Mr. WINN. I see.

Mr. SILVERMAN. Now, the chancellor, who is sitting here, doesn't get along very well with the people in his high school office who have direct responsibility for the high schools. They have people in there practicing what is called "administrative psychology," getting them to relate to each other much better. Those people walk away and say they can't do anything.

The people who pay the price of pettiness and feuding at the board of education headquarters are the children, because policies have not been defined because people can't look each other in the eye.

Mr. WINN. If it takes pressure, I can only visualize maybe three types of pressures that would bring this thing to boiling point. No. 1, the pressure by the parents of the students.

We heard testimony in New York that there really wasn't very much parental pressure because they felt that it would reflect upon the school, or their social lives, or their reputation in their society. I don't think there was much doubt about that in the minds of the committee.

No. 2, we got a pretty good idea, and we saw it—and I don't mean to be critical, but I am just laying out the facts—when we had a glamorous witness, a hooded one, so to speak, the press and the TV rushed in and did a great job of covering that. So much so, they did a good job of fouling up our meeting because they were so noisy.

Then when we got into some of the meat of the problems of public pressures and what do we do about this, and listening to some of the testimony in that case, the press was conspicuous by its absence. So what I am saying is that if the facts, as you present them—and I think practically everything we heard up there for 2 days—are true, then we do need to put these pressures on individuals involved.

I am not talking about specific people, I am talking about the problem, and anybody that may be getting in the way of that problem is going to have to be removed or sent somewhere else.

They do it in a lot of other businesses, they do it in athletics, they do it a lot of places, whether in the school system of New York City or anywhere else. I am not just picking on New York. Do you agree with that philosophy?

Mr. **Silverman**. Congressman, I agree with you 100 percent. Every investigation I have ever read, every investigator I talked to who has looked into the board of education situation in the city of New York, feels this is a fixed bureaucracy, a system in disfunctioning, a system ill-serving the children, and often self-serving.

I happened to have spent months involved in the Knapp commission investigation of the New York City Police Department and I have knowledge of the workings of the police department and the board of education.

I think a commission investigation of the board of education is equally, if not more, in order than one in the police department. I think my sense of the work of the police department is that it is a much better working organization than the school system in New York.

Mr. **Winn**. Would it be of any help if this committee or some commission recommended that that board of education be elected, or would that make a sorrier situation up there?

Mr. **Silverman**. I wish I had some confidence in that route. Where you have had elections in the neighborhood through decentralization of the local school board, you have had very little improvement in performance or accountability. This is sad. I think the best hope I know of—and that is why I came here originally in executive session—the best hope I know of for change is for this committee and the Congress to seize upon any and every legislative opportunity to show that you mean business.

I think it is a tremendous mistake to allocate and entrust huge sums of money to fuel a sick system, without followup, and without demanding accountability from these people who run this system.

Otherwise they are going to snow you with mimeography and written material that is often ludicrous in the face of street experience. The people in the neighborhood know that often money for books and films and all kinds of things for the children who need them almost never reach those children. They are sitting in some storeroom on Long Island. Many of those children never reach the school. There is going to have to be quite a selling job to get the children to school.

Mr. **Winn**. You cannot hand an educational pamphlet to them if they don't go to school, can you?

Mr. **Silverman**. Yes.

Mr. **Winn**. Thank you, Mr. Silverman. I appreciate your appearance before the committee.

Chairman **Pepper**. Mr. Rangel, do you have anything further?

Mr. **Rangel**. One question.

In the course of your investigation, did you have the opportunity to discuss this problem with officials and members of the United Federation of Teachers?

Mr. SILVERMAN. I worked closely at Lane with the chapter chairman of the United Federation of Teachers.

Mr. RANGEL. Did they tell you of any programs they might have suggested which would alleviate the conditions you testified exist?

Mr. SILVERMAN. Concerning the chapter chairman at Lane—I think he is here today and ready to testify—my sense of what he has been up against is the kind of frustration that I found with so many teachers who wanted the job to be more, wanted to do more, and——

Mr. RANGEL. Normally that is interpreted as legislative proposals, many of which have been brought to Albany by the United Federation of Teachers. I am asking if you know if the United Federation of Teachers has introduced any proposals related to drugs in the schools, or any drug program or any legislation that they would support in this area?

Mr. SILVERMAN. I am really not familiar with the specific of citywide UFT proposals.

Mr. RANGEL. So the dedication of our teachers really has not been interpreted through their union, to your knowledge?

Mr. SILVERMAN. It may be. I am just not up on that. I would say that I think, Mr. Rangel, a very important question here, and a very important concern, is young people too often are being turned off on the teaching profession, particularly in troubled areas like the troubled school system in New York, and where dedicated teachers are needed the most. Those neighborhoods are not getting those teachers and those systems are not getting those teachers.

I think a very important consideration of all we have been saying today is that the kids who are in college now, and are following these proceedings and others, and are talking to people who have taught in school. I was up at City College a few months ago and the professor there told me that so many of the kids he taught spent 3 or 4 years in the public school system and quit.

The turnover of teachers is incredible. Much of the teacher training is tax funded. You are putting up money and getting very little return for it because they are quitting on you.

A very important thing I think we should consider is we must raise the level of the teaching profession. How many times does a 5-year-old child see a pediatrician, how many times does he see the kindergarten teacher.

Mr. RANGEL. All right.

Mr. BRASCO. I didn't have any questions. I just wanted to commend Mr. Silverman. I know he has received other awards. We don't have any award to give out.

Mr. SILVERMAN. No need for it. It is my pleasure to be here.

Mr. BRASCO. You brought to the committee a critical problem. It's amazing that it doesn't seem to get to 110 Livingston Street.

Mr. SILVERMAN. That is true.

Mr. BRASCO. Thank you very much.

Mr. SILVERMAN. Thank you very much. I just want to thank the committee for being here.

Chairman PEPPER. On behalf of the whole committee, I want to extend the warmest thanks to you for what you have done to throw light upon this very menacing problem, and to commend what NBC, through you, has done to popularize the need to do something effective about this problem. It is a splendid type of public service. We wish to commend you upon it.

Mr. SILVERMAN. Thank you very much.

Chairman PEPPER. The next witness will be Dr. Harvey Scribner, chancellor, New York City schools.

Would you be sworn, Doctor.

STATEMENT OF DR. HARVEY SCRIBNER, CHANCELLOR, NEW YORK CITY PUBLIC SCHOOLS; ACCOMPANIED BY DR. IRVING ANKER, DEPUTY CHANCELLOR; DR. LESTER, DIRECTOR OF INSTRUCTION; AND FREDERICK WILLIAMS, EXECUTIVE DIRECTOR, PERSONNEL

Dr. SCRIBNER. Could I ask that three staff members come to the table with me?

Chairman PEPPER. Yes. Would you give us the names and titles.

Dr. SCRIBNER. I would like to introduce to you, sitting in the front row over here, Mr. Erwin Tobin, director of the bureau of health and physical education; Mr. Arthur Jaffe, who is the director of the SPARK program, one of the drug programs in the schools; and Mr. Earl Jung, coordinator of the peer group program in the schools.

I am very happy to have along with us an unpaid staff member, Mr. Timothy Mitchel, who heads the advisory group on drugs to my particular office.

Chairman PEPPER. We are very glad to have all of you gentlemen with us today. The other gentlemen at the table with you, would you introduce them and give their titles?

Dr. SCRIBNER. To my left is Dr. Lester, director of instruction for the New York City public schools.

To my far right, Mr. Williams, who is executive director of personnel.

And to my immediate right, Mr. Anker, who is the deputy chancellor.

Someone earlier clarified that word "chancellor" as being similar to the superintendent. That is about correct.

Chairman PEPPER. Counsel, will you inquire?

Mr. PHILLIPS. Mr. Scribner, I believe you have a prepared statement. Would you like ot deliver that?

Dr. SCRIBNER. I would like to cut it and not read it, if I may.

Chairman PEPPER. Without objection, your statement will be incorporated. You may summarize it, or comment on it as you will.

Dr. SCRIBNER. Very briefly, I will pick out some salient points, not that I don't think the others are salient.

I want to make it clear this is a terrible menace that we are discussing here today. It is penetrating the schools, it penetrates our society, it is penetrating homes and giving all of us a very difficult time.

The statement has some statistics in it that I hope you will take a look at. We have recognized in the statement some of the programs that are ongoing. I think that they are effective to a degree, but not blindly to the fact we see no faults in them. I hope you will note in those, we have had many referrals of youngsters, some 4,000 in the elementary and some 13,000 to 15,000 in the high schools. That is over a 4-month period of time, this year.

I also acknowledge in that statement the cooperation we get from the addictions services agency. I attract your attention in that statement to an evaluation done by a third party, no one with whom we had anything to do with, called MACRO. That is not an evaluation that I authorized.

Mr. Finney will talk about it, I trust, when he talks to you.

I did in the statement cite the tremendous fiscal problem we have, and I am sure you get sick and tired of listening about money problems, but I have to say it, gentlemen. It is a problem we have to face. We opened the school this year with this deadly menace facing us, with 5,000 less people than we closed schools last June. You might state, you have a staff of 110,000, you ought to be able to do that. But, nevertheless, you become accustomed to having those 5,000 positions out there and it is not easy to withdraw them.

Chairman **Pepper**. Who made up those 5,000? How many of them were teachers?

Dr. **Scribner**. I am going to guess now, but I would say about 3,500 would be teaching positions, or pedegogical personnel, as we classify them. I want to put that into the record.

I think, lastly, that in my statement to you I am trying to say that this problem needs to be attacked by all of us. We have experienced a great deal of bickering, a great deal of scapegoat hunting, a great deal of vindictiveness, and I think by the mere fact I am not going to read my testimony, I hope indicates to you I would like to talk with you about a problem you and I have, I believe, and everyone else in this country, have. I guess we could broaden it beyond the territorial limits of the United States.

Mr. **Phillips**. Dr. Scribner, I have read your opening remarks and one of the areas that we have been terribly concerned with, prior to your appearance here, is the report of the State investigation commission about the activities of the school system. Have you read the report?

Dr. **Scribner**. Yes. I was not able to be there that particular day. Dr. Anker, the deputy, was there, and I am quite well aware. I was on the phone with that commission several times. I am quite well aware of the kinds of criticism that were in that report; yes.

Mr. **Phillips**. What would you say about the criticisms in that report? Are they well-founded?

Dr. **Scribner**. I think the basic criticism in there was our failure to report the names of users.

Mr. **Phillips**. I look at it as a much more serious indictment than that—and I look at that report as an indictment. I regard Mr. Curran's testimony that after this report was issued, that no one from the board of education sat down with him to even inquire about their findings as being an indication of lack of interest in the subject matter.

Dr. **Scribner**. That is not so. You know, I meet with the board two afternoons every week, and I think it is giving them a little short of the credit due them to say no one is interested. We are tremendously interested and tremendously concerned. Mr. Curran gave that report on television, on radio, through the press, and we had a copy, and Dr. Anker has reported to me directly and we moved immediately. That is not a fair statement to make.

We moved immediately to get a policy that would firm up what I believe to be a basic criticism. After we had fought with the fact we had a head-in-the-sand approach, we moved immediately to get a policy effective that would hopefully break those names to the department of health and the city where something could be done for them.

Mr. PHILLIPS. Just taking that, I think that is a very limited position. But assuming that was the case, that has not been done, has it?

Dr. SCRIBNER. Yes, it has been done.

Mr. PHILLIPS. We were told by the health officials that you still hadn't complied.

Dr. SCRIBNER. You are absolutely correct. The health department would make that statement, but that is not to say we did not develop a policy.

Mr. PHILLIPS. Well?

Dr. SCRIBNER. I think I ought to have time to explain it. That policy has been worked over for months since it was put out, because the staff, by and large, said the type of program we are effecting in New York City demands confidence. They were arguing it is very difficult to tell a kid "You can deal with me confidentially, but I am going to report your name to somebody." That has been the issue.

Now, we worked this over this year with the community superintendents. All of the superintendents in the bureaucracy, with the consultative counsel, which are the community board, and with the third group. Dr. Anker will speak to that.

Dr. ANKER. High school principals, trying to find a way through. We had an officer there from the commission of health, New York City, trying to find a way we could reword that, that we could get what they wanted, at the same time getting our people to cooperate in it. We have done a lot of work on it.

Mr. PHILLIPS. You formulated a policy but the health department says there are no names reported to the registry as yet.

Dr. SCRIBNER. Well,we just finished working with the health department recently. I guess a month ago would be the last meeting. The board of education has that policy before them now. We have worked with it through the staff, with the idea of taking out some of the risks that were involved in this confidentiality bit. We are saying now that when a youngster gets to the point that I am going to refer him, he has been diagnosed by somebody in the medical business. When he has been properly diagnosed, his name--he doesn't come to us you understand—goes to the commission of health or the public health. That policy is effective.

Mr. PHILLIPS. When for the first time were you aware of a drug epidemic in the schools?

Dr. SCRIBNER. I have been there a year and 10 months. I was aware of it the day I got there, I guess.

Mr. PHILLIPS. Could you tell us what particular actions you took? First of all, how was the knowledge communicated to you that there was a drug epidemic?

Dr. SCRIBNER. Anyone who lives in New York City, I think, is quite aware. The press has a lot of space given over to it, parents are concerned about it. I was a little disappointed that we say parents are apathetic to it. I think the parents are concerned about this, and the whole safety issue that goes with it.

Mr. **Phillips**. The prior president of the school board, Mrs. Shapiro, testified that up until 1969 when she left the school board, that the board itself had never discussed the drug issue. That the only person that had ever discussed it with her was a parent group. When she brought it to the attention of the then superintendent of schools, he said that there wasn't much of a problem, they had it in hand.

So up until 1969, the board of education, according to Mrs. Shapiro, had no policy, and no action had been taken in relation to the drug problem.

Dr. **Scribner**. I think that is precisely what I am trying to say, Mr. Phillips. We have worked on it and have done something and we do have a policy. I have to stand on whatever Mrs. Shapiro testified, because I don't know about that era.

Mr. **Phillips**. When was the date you undertook the responsibility?

Dr. **Scribner**. I came in on September 3, 1970.

Mr. **Phillips**. On September 3, 1970, what was your opinion about the number of drug addicts in the schools?

Dr. **Scribner**. Well, I was not aware of this problem in reporting.

Mr. **Phillips**. I am not asking you about the problem in reporting. I want to know how many drug addicts were in the school, to your knowledge, when you took over.

Dr. **Scribner**. I have no way of finding out how many drug addicts were in the schools. I wouldn't know the answer to that. But I was aware we had that problem.

Mr. **Phillips**. What efforts did you make to determine how many drug addicts you had in the schools?

Dr. **Scribner**. See, I am not satisfied with any kind of reporting system that tells me how many people are on drugs. I have heard figures from 90 percent down to 10 percent and 5 percent. I am only interested in trying to change a school system, to get youngsters enthused with this process and treat them preventatively.

Mr. **Phillips**. Is it your testimony, Dr. Scribner, that you are not interested in how many drug addicts are in the schools? How do you know how to address the problem?

Dr. **Scribner**. Mr. Phillips, I can give you the problem. I am not interested in the numbers game. The numbers game I hear all of the time.

Mr. **Brasco**. Dr. Scribner, let me ask you this, if I may. One of the interesting things that developed during the course of these hearings is the question of the fiscal problem. It seems to me that unless we really know the extent—and I suspect that would be your job—the extent of the problem in terms of this numbers game that you say you don't like to be engaged in, it seems to me rather difficult to go to the State legislature, or the Federal legislature and ask for money about a problem that no one really is able to define the proportions of.

It seems on one hand you are involved in a self-defeating situation by not accurately reporting it, and on the other hand you keep saying we don't have enough money. Is there any logic to that?

Dr. **Scribner**. Yes. I recognize the logic to your question. It is the same argument that I use on the principals and the community superintendents when they tell us about this confidentiality problem, of telling us how many people there are out there. How do you expect to get money for programs if you aren't going to tell us what the problem is. I am not arguing that I don't want to know. I am trying not to argue whether it is 40 percent or 45 percent, I guess, is what I am trying to say about the numbers bit.

Mr. BRASCO. I understand you to say you were short 5,000 teachers?

Dr. SCRIBNER. 5,000 people.

Mr. BRASCO. I was under the impression, from some of the previous witnesses, that there was a surplus of teachers? Also, what happens to the teachers in a school where more than 30 percent of the students are absent?

Dr. SCRIBNER. There is a surplus of teachers on the market in some particular fields. But to answer your question about the relationship between staffing and register, we do staff our schools in terms of the register because we have no knowledge that the youngsters are not going to show and we don't know which ones are going to consistently not show.

Mr. BRASCO. Doesn't a pattern develop over the course of a year, so you can predict in that one particular school that there will be 20 percent absent, or 30 percent absent. And then you would know there is a surplus of teachers in that particular school?

Dr. SCRIBNER. But if you schedule 30 youngsters in a class, and 30 percent are absent, you still have 21 there, and you have a job to do for the 21 present.

Mr. BRASCO. I am not suggesting that smaller classes are not to greater advantage. What I am suggesting, very simply, is that to the extent that absenteeism is involved in this, it seems to me there are more teachers available and I do not understand the question of the 5,000 shortage.

Dr. SCRIBNER. Let me see if I can help you on it. We have schools whose attendance is worse than other schools. We did a profile on every high school last year. Our findings: In those high schools probably the least well off, the attendance was the poorest.

Then, the question comes down to one of whose fault is it the attendance is poor; whose fault is it the youngsters are not taking more subjects?

If you take staff away from them on that basis, then you actually continue the cycle. So, we are trying this year to do something about that problem.

Mr. BRASCO. I am not suggesting you take staff away. I am suggesting we find out, realistically speaking, the relationship between staff and absenteeism so we can make a judgment on the shortage you are talking about.

You just said there was not a shortage of teachers, but then you said that you were 5,000 jobs short.

Dr. SCRIBNER. Shorter than we closed the previous June.

Mr. BRASCO. But that is still not a shortage of teachers.

Dr. SCRIBNER. About 4,500 less positions.

Mr. BRASCO. Yes, but the fact that it is less does not mean that there is a shortage.

Dr. SCRIBNER. No; it does mean there is a shortage.

Mr. BRASCO. That is what I am trying to find out.

Are you saying we would like to have 5,000 jobs more or that the 5,000 jobs you are talking about are meaningful jobs, which can be termed a shortage.

I think it is two different statements.

Dr. **Scribner.** When you say "shortage of teachers," I assume you are talking about the availability of teachers on the market; is that what you are talking about?

Or are you talking about the shortage of the teachers inside of the building?

Mr. **Brasco.** Obviously, if they are available on the market and not being employed anywhere, it does not mean they are a part of the school system.

I am talking about people that are in the school system, obviously. Are you saying there is a shoratge of them?

That is what I always thought we were talking about.

Dr. **Scribner.** I am saying to you there were 5,000 less positions when we opened school last September than when we closed school last June.

Many had to be absorbed by community boards that have first, second, third, and fourth grades, who have the same teacher all day. They have one type of problem and the high schools have another.

Mr. **Brasco.** The 5,000 jobs you were short when you opened school this year as opposed to last year, did that represent for the existing school population in the city of New York a shortage of school personnel who were capable of teaching the children that did come to school?

That is my question.

Dr. **Scribner.** That meant a reduction of services in many instances and also an increase of one student or two pupils in the class in other instances. It depends on what particular roles we took those from. We said to the community boards: "You make your decision as to where you are going to counterbalance these less staff members that you have."

Some people took them from different places than other boards did.

Mr. **Brasco.** When you say these jobs are jobs that are still available, is that in terms of people being paid a salary?

Dr. **Scribner.** No.

Mr. **Brasco.** Are you saying a school board can take a teacher out of school and say "You do not teach but you are assigned to a local school board for whatever job."?

Dr. **Scribner.** I am not saying anything of the kind.

In community board I, for instance, they have, say, 1,200 staff members. We are going to have to cut back now 10 percent. You have to have 120 less positions than you had before. You decide. You have 20 buildings. You decide how you are going to accommodate that cutback in positions. Some may have taken them out of remedial roles; some may have taken them out of attendance roles. Some may have taken them out of other services rather than right out of the classrooms, and double up the grades.

Mr. **Keating.** Would the gentleman yield?

Mr. **Brasco.** Yes.

Mr. **Keating.** What was the comparative enrollment for the last few years?

Dr. **Scribner.** In the city of New York, total, how much did you increase?

Dr. **Anker.** We increased 12,000 or 15,000, I believe.

Mr. Keating. Out of what total enrollment?

Dr. Scribner. The register is now. 1.13 million.

And our attendance in the high schools is not good.

Mr. Keating. That is about what percentage?

Dr. Scribner. Across the city it is about 83 percent attendance, I believe, last year.

Mr. Keating. I yield back.

Mr. Brasco. Getting back to the question of identification, Dr. Scribner. Do you personally agree with the position that we ought to be able to identify at least those who are addicted to some drug in our school system?

Dr. Scribner. I recommended the policy to the board.

Mr. Brasco. You recommended that policy to the board?

Dr. Scribner. Yes.

Mr. Brasco. When did you do that?

Dr. Scribner. After the Curran committee finished its study.

Mr. Brasco. Before that, did you have a different point of view as to whether or not it would be worthwhile to identify these addicts?

Dr. Scribner. Before the Curran committee, I had not faced up to a particular problem. You understand, I came in brand new from the outside. We ran into this financial crisis. Somebody said we were $49 million short, and we never did know just exactly where. We had to establish a whole new bookkeeping method.

Mr. Brasco. I wish we would stay away from the money part just for a little while, because I really do not want to get that confused with what we are talking about. I believe if you, as the chancellor, would say "This is the policy we want to follow, we must identify so we are able to treat drug addicts in the school system," then we will go out and get the money.

Did you ever believe we should not identify drug addicts in the school?

Dr. Scribner. They had a policy; the board had a policy. What I am saying is that I was not aware of all of the problems for that problem not functioning properly.

Mr. Brasco. I think it was more than that, because if I recollect the testimony correctly, the board of education, I suppose right on down the line, was actually violating local law. I understand under the Public Health law it is mandatory, that the names of student addicts and/or abusers are reported to the public health service of New York, and this was not done.

So, that is more than just not developing a policy.

Actually, it is turning your nose up at the law.

This is something that I cannot, for the life of me, understand. What prompts the board of education and/or any other supervisory personnel to take that kind of a position.

Dr. Scribner. Congressman, I am saying we did not take that position. We developed a policy which spelled this out clearly. You have a copy of a circular——

Mr. Brasco. May I refer to counsel, then.

Didn't Mr. Curran state these reports were not filed?

Mr. Phillips. That is correct.

Mr. Brasco. As a matter of fact, in 1 year while there were only six addicts reported in terms of their names being sent in, that same year, 280 deaths were reported of people under the age of 19, caused by overdose. Now, these people were obviously of school age, and, notwithstanding that discrepancy, to report only six known addicts is just unbelievable.

What I am trying to find out, Dr. Scribner—and I mean that sincerely—is the true extent of drug addiction in the schools. You consider this a dread disease. You said that yourself. But it seems to me someone has to recognize it. Just to say it is a dread disease before a congressional committee or before a investigations committee or before anyone else that happens to be asking the question, and then going back and not doing anything about it, is the part that is criminal.

Dr. **Scribner.** That is true, but I think you are mixing two things together. One is a reporting process; the other is a prevention program.

Mr. **Brasco.** The point I am making is we have to be able to identify the addicts as individuals and with regard to numbers before we can formulate a program.

Dr. **Scribner.** Haven't I made it clear that when it was brought to my attention by the Curran investigations committee, we moved immediately to develop circular No. 10. You have a copy of it.

Mr. **Brasco.** No names have been reported to date?

Dr. **Scribner.** I would not know.

Mr. **Brasco.** When do you expect to report the first names of drug addicts and/or student abusers to anybody under this new policy?

Dr. **Scribner.** They are supposed to be reported this year.

Mr. **Brasco.** Supposed to be reported? You suspect they might not be reported?

Dr. **Scribner.** I suspect they will not be reported in terms of the numbers that should be reported. I am not naive enough to think that is probably not true; on the other hand, they are reported in terms of the eyes of the persons out there in the field, and I can't make that determination.

Mr. **Brasco.** You say they are going to be reported at the end of the year; is that right?

Dr. **Scribner.** Yes, they are.

Mr. **Brasco.** And this is a directive sent to every school?

Dr. **Scribner.** Every school has it.

Mr. **Brasco.** If they do not follow or comply, what action is planned then?

Dr. **Scribner.** The action I believe works best here, since I cannot—let me take it back a little.

We have attempted to rework the circular. The circular said that on referral of that youngster, after medical analysis, then his name shall be reported.

Now, I believe we are going to get some conformity with that circular.

Mr. **Brasco.** I suspect my colleague, Mr. Rangel, should develop it, but I just wanted to lead into it. He has talked about physical examinations during these hearings. It would seem to me, if we are going to identify addicts, there ought to be some kind of medical determination made or done in conjunction with that.

Are there any plans, as part of your new policy now, to medically examine young people, as they would examine them for defects in their teeth or other body organs, to examine them, to ascertain whether or not they are, indeed, addicts?

Dr. SCRIBNER. This new policy refers to a medical examination, right. I cannot tell you the specifics of that medical examination.

Mr. BRASCO. I yield to my colleague.

Mr. RANGEL. Chancellor, the problem we have had, as relates to examination of students, according to the director of the department of health, indicates to this committee that the average doctor's time in any given school is 2 hours a week. So that if we are to wait now for a doctor to examine a suspected addict, it could very well be that there would be no name reported.

Dr. SCRIBNER. May I ask Dr. Anker, who investigated this much more thoroughly, to speak to that particular point?

Is that acceptable?

Mr. RANGEL. Yes.

Dr. ANKER. May I say, gentlemen, I think, Mr. Brasco and others, that there is confusion about two things. It is not true that cases are not reported. About 50,000 suspected addicts and others were reported by number last year. It is not true that they are not cared for. Thousands are cared for and thousands are reported to agencies. The one question that we are dealing with is the question of the names to the department of health for research purposes. But that must be separated from the fact that you probably cannot find a guidance counselor or drug coordinator in the schools in New York City who cannot give you the large numbers of students who are cared for. In the very school you are referring to, Franklin K. Lane, 325 cases of suspected and known addicts were reported and dealt with by the man there.

The big question is that there is a large degree of sentiment. I fought it out at about 10 meetings we had with the community, with school boards, and with others. There is a large sentiment that reporting the names for research purposes to the department of health would interfere with the drug program. I do not happen to think that is so. But school boards have adopted such resolutions, people involved in drug education have felt very strongly about this. They have indicated that they felt this would interfere with the program.

One must separate that, however, from the question of the fact that drug addicts and drug-suspected students are in many cases being taken care of.

Mr. RANGEL. But would you agree there is not sufficient medical staff to actually deal with drug addiction problems?

Dr. ANKER. Yes; the department of health doctors are of, relatively, little value to us, not only because of lack of time, Congressman Rangel, but because they themselves are reluctant to make diagnoses.

Chairman PEPPER. I am sorry. We have to attend a record vote on the floor. We will be right back.

(A brief recess was taken.)

Chairman PEPPER. The committee will come to order, please.

I understand we have some guests today, and I will ask my distinguished colleague, Mr. Rangel, if he will be good enough to introduce them.

Mr. RANGEL. Yes.

I would like to welcome to the Nation's Capital, troop 689 from Buffalo, N.Y.

On behalf of the chairman and the committee, we hope you enjoy your stay in the Nation's Capital.

Chairman **Pepper**. We are very glad to have you.

Thank you very much, Mr. Rangel.

Mr. **Rangel**. Doctor, you were explaining the difference between not reporting to the department of health distinguishing between students who are ill with an addiction and those actually being identified and treated.

Could you elaborate on the procedure using as a backdrop the fact that the New York City Department of Health has testified that they do not get involved in this addict reporting one way or the other and that their time is very restricted in the school for overall general purposes? Could you tell the committee what, if anything, is being done as related to the drug addicts who find themselves in the student population?

Dr. **Scribner**. Yes; and this explanation in no way deletes from the importance of the registry, but for those people being reported, let me say that there is one drug coordinator in every one of the 92 high schools. There is also at the present time a new program just started by the Emergency Employment Act, a paramedic in each one of the high schools under training for this particular purpose. There are 19 peer group programs in 19 different high schools. There are 12 in 12 other high schools what we call intervention and prevention programs. These intervention and prevention programs have pupil personnel teams. There are nine people on that, that is, a balanced team of different disciplines working with these youngsters.

Under the peer group, I am pleased to say that that started before I came on the scene. That was a special program that was started; it has earned some national recognition. It is the whole idea of peer groups working together helping their brothers, trying to be their brother's keeper. This program has dealt with literally thousands of young people. I have talked to these people. I have been to Eastern District High School; I saw the peer group in operation there. I know exactly what I am talking about in this particular field.

Mr. **Phillips**. Excuse me, Dr. Scribner. In relation to peer groups, you, in your prepared testimony, talked about an agency called MACRO Associates. MACRO was an agency which audited this program and evaluated it for the addiction services agency. Were you ever given a report of MACRO?

Dr. **Scribner**. I have a report, yes.

Mr. **Phillips**. In relation to the peer group, their report reflects the following:

> The peer group concept is effective when there is expert and competent leadership. Moreover, this approach seems limited to students immersed in middle-class values, regardless of race.

Is that a fair appraisal of the program?

Dr. **Scribner**. It is their appraisal. Since I like some other parts of the program, I have to accept it. I thought it was made clear from the beginning that I am not now protecting what we now have. There are weaknesses in what we now have.

Mr. **Phillips**. There are tremendous weaknesses?

Dr. **Scribner**. I am trying to admit to that. I am not trying to cover up. If you read MACRO thoroughly, however, you will also see they say in 6 months—quoting directly:

New York City and New York State have together effectively launched a drug abuse prevention program to which parents and students have responded in significant numbers.

So, you take one part out of context without using the whole report.

Mr. RANGEL. Chancellor, the committee is not looking for a scapegoat, and the problem of drug addiction certainly did not start in the schools. I think it is clear from the staff that you mentioned that you do have a drug coordinator, paramedical profession, peer groups, and, certainly, coming from the type of district that I do, I recognize the restrictions that these people have in searching for an answer when the Federal Government has not even come close to an answer.

The problem that really has shocked this committee is there seemed to be no indication at all from the professional staff of the board of education that within the walls of the schools there was an explosive epidemic taking place. This is not to say they started it, but we hear about confidentiality, and yet we recognize that it is impossible for a teacher to instruct a drug addict. We hear about the United Federation of Teachers talking about improving the quality of education—we have not heard from them. We hear from the police department declaring an allegedly all-out war against pushing, and they claim that the principle or the general attitude of the teaching profession is not to cooperate with them, giving cases where they even had exposed the undercover role. The board of health: Their testimony here would have broken your heart. It was absolutely incredible that someone charged with the responsibility of maintaining some type of health standards, no matter how low, within the public school system in the city of New York, said they had no way at all to compel their employees to give them any type of reporting as to the degree in which the epidemic has hit the schools.

So, what we are saying here, as we see the tragedies occur, school after school, city after city, and suburb after suburb, is that there does not seem to be a screaming out for Federal funds for a specific program. Everyone is saying: "Yes, we had our problems; we did not report them in the past; we have a confidentiality thing."

If, in fact, as reported by the Curran commission that certain junior high schools have an 86-percent drug addiction problem, then it seems to me that the educators, the policemen, the medical profession, all have to be screaming at the same time for some type of program, saying: "This is where the Federal Government has to go if we are going to save our kids."

So, what I am asking is that if with all of the little pieces, regardless whether we are talking about the old board or the new board, is there the sense of urgency, is there a sense of panic? When you talk to me about a drug coordinator it would help me a great deal if you prefaced your remarks and said: "Unfortunately, this is all we have money for, a drug coordinator."

Dr. SCRIBNER. The funding of the drug coordinators, I have to remind you, comes from the State. That is a State program that was launched, and we first voted that about the last spring and then we have been tied up every 2 or 3 months as to whether or not we are going to continue that funding.

As you know, we had a massive fight in Albany to continue that, and it has already been cut back.

Mr. RANGEL. I know that. A lot of the money cut back was reinstated. You are still way behind, and even if they did give you 100-percent funding, it looks to me like you still would be nowhere.

Dr. SCRIBNER. We have a two-pronged approach we have to face up to. I do not think it is New York City alone, I think it is one that our whole country needs to face up to. One is a short-range approach, and the other is a long-range approach.

The short-range approach, I think we owe to every staff member, every student, every teacher and parent the right to go to school in a safe learning environment. That, we have to take care of.

I personally do not like for policemen and security guards and these kind of people in the buildings. But whether or not I like it, it has got to exist, and to have them there we have got to have money.

Mr. BRASCO. Dr. Scribner——

Dr. SCRIBNER. All morning long we have had all kinds of testimony, and now I cannot seem to get a word in on what I have to say.

Would it be all right if I had a few minutes?

Mr. BRASCO. Yes.

Dr. SCRIBNER. I find a different type of situation. I am trying to be positive about the fact we need a long-range program, and I cannot tell you exactly what that program ought to be, but we ought to assemble the best minds in the country today to see what kind of program we can launch.

There is a school of thought that speaks very articulately on the idea that we have to remand these kids, a percentage of them. I personally do not like that. But I am ready at this particular moment——

Mr. BRASCO. This is what I am trying to find out: What is your position?

Dr. SCRIBNER. For God's sake. If you will listen to me for a few minutes, I will tell you. That is exactly what I am trying to tell you now. Are you going to tell me I am the one person in the country who ought to lay out to the U.S. Government what the programs ought to be?

I am trying to say to you we are all attempting to find programs, some of which have to be long range; some of which—if I could finish—would deal in a realistic manner with this whole program of remanding youngsters to centers.

But another one ought to deal with the kinds of education that are different from what we now see in some of our four-walled, brick buildings and 4,000 pupils in there, what would help some young people.

We heard testimony this morning to the effect some work better in these kinds of situations, what we call "alternative schools." I also believe that there are young people today who are worthy of certain amounts of credit for education that they have learned, that they do not need to go to school 5 days a week and 6 hours a day as we know it to be. We ought to line up programs for them.

Let me give you a specific:

In New York City we have 8,000 young people attending something called auxiliary high schools. They walk in off the streets. They are rejects from our society, primarily. They are either dropouts; or they are back from remand centers; or they are back from all kinds of experiences. We do not have—and I would like for you to get this—

we do not have a drug problem, to my knowledge, in that particular learning environment. We ought to expand that and expand it to every borough, to every afternoon, to every evening, so we can go with that program.

Mr. **Brasco.** Are you finished, Dr. Scribner?

Dr. **Scribner.** Yes.

Mr. **Brasco.** Let me say this, and this is the thing that disturbs me very, very much.

You heard Mr. Silverman testify?

Dr. **Scribner.** Yes, I did.

Mr. **Brasco.** You heard about the lack of cooperation Mr. Silverman and NBC met in trying to get into the schools to expose this problem.

Are you saying that Mr. Silverman is not telling the truth?

Dr. **Scribner.** Of course I did not say he is not telling the truth.

Mr. **Brasco.** What are you saying?

Dr. **Scribner.** I did not say anything about Mr. Silverman.

Let me make it clear to you: Mr. Silverman—I hope you heard him when he testified to the fact that I, personally, called on the phone and offered to help—Mr. Silverman did not ask me to get into Franklin K. Lane.

Mr. **Brasco.** Are you then saying you would do everything possible to allow people like Mr. Silverman and others to get into the schools and see what is going on?

Dr. **Scribner.** In consultation and cooperation with the staff, absolutely.

Mr. **Brasco.** We heard police officers testify that they were not allowed to enter certain schools in the city of New York; that there was less than a cooperative effort on the part of supervisors; that in some particular schools, their undercover was actually blown on purpose by members of the school system.

I am asking you, specifically, as the chancellor will you cooperate in allowing undercover men to go into the schools for the purpose of arresting people who are peddling dope to young kids?

Dr. **Scribner.** I will cooperate in every way possible with anyone who will help us to combat this problem, absolutely, and to keep those pushers out.

Mr. **Brasco.** That is exactly what we are talking about.

Dr. **Scribner.** Absolutely.

Mr. **Brasco.** Let me go on to another step.

In connection with the teachers that are in the employ of the board of education, they have been assaulted from time to time. Are you aware of that?

Dr. **Scribner.** Absolutely.

Mr. **Brasco.** Are you aware of the fact, not withstanding the kids are afraid to go to school, that some of these teachers are afraid to go to school?

Dr. **Scribner.** I just alluded to the fact we ought to make that a safe-working situation for them.

Mr. **Brasco.** What program do you have with respect to standing behind the teachers and encouraging them to take law violators into court when they, themselves, are assaulted?

Dr. **Scribner.** That is all explained in this circular I have been saying to you we did put out. On the other hand, I understand the teacher who is reluctant to do this, and I understand the dangers involved.

Mr. **Brasco.** I would expect they would be reluctant to do it. However, if you had an attorney go to court with them or had some definite policy indicating approval of reporting acts of violence and approval of acting as a complaining witness when necessary, I believe that would be most helpful and constructive.

Dr. **Scribner.** The problem of the attorney accompanying the staff member on this particular matter is now before the board of education. I must tell you that I did not know it existed until the matter of our negotiations came up for the next 3 years. The issue was raised at that time.

Mr. **Brasco.** With respect to the question of making it a safe school, you alluded to the fact that you did not like security people in the school.

Dr. **Scribner.** Not on a long-range basis.

Mr. **Brasco.** I am not talking on a long-range basis.

You said before, you did not like security people in the schools. But are you now ready to go along with it? Is that it?

Dr. **Scribner.** I am saying I think it is most unfortunate the way people have to have this kind of protection, but I said: "I certainly not only go along with it, I am attempting every way possible to modify the budget we expect to get momentarily to get more of them."

Mr. **Brasco.** I just spoke to Congressman Bingham a moment ago. He had attended hearings with respect to the Safe Schools Act.

Dr. **Scribner.** Safe streets.

Mr. **Brasco.** While you could not make it, a representative of yours was there, and the Congressman said he was less than enthusiastic about the money in the safe schools program for security in the schools.

I do not see how you are going to combat the problems at this stage of the game without the help of security personnel.

Dr. **Scribner.** Congressman Brasco, I have a copy of that testimony which was given. I also sent the committee a copy of it, and in it I certainly said, "When you make this money available, I ask you to make it available for safety as contrasted with security guards." I am only talking about safety in the terms of these facts. I think there are many ways to approach it. I do not have to agree with Mr. Silverman on his particular thoughts that kids should not be involved. My best readings right now tell me where you have good leadership in the school where you have the involvement of parents and students and staff, that you have a safer school than you do in a school where it does not exist.

Mr. **Brasco.** Getting back to the original question: You said you wanted to stress safety as opposed to security. I do not understand what you mean by that.

Dr. **Scribner.** Simply this: That we can take many different approaches to this problem rather than having only one way to go.

Mr. **Brasco.** You agree, at this moment, the schools are in such critical condition we need security at the schools?

Dr. **Scribner.** We need security in the schools, no question about it. That does not say the only way to get it is security guards.

I was working on a program just last evening——

Mr. **Brasco.** No. I am talking about an immediate problem.

Dr. Scribner. Talking about an immediate problem. And I worked on it yesterday afternoon with four people of my stability staff and a representative of the police department there.

Mr. Brasco. I wish that somebody from the stability staff would get to the local supervisors, because I have had repeated calls about disruptions in the schools, and I am not talking about two kids in a fist fight. I am talking about 50 and 60 kids fighting with weapons. And when you call locally, no one has ever heard of it. But on Saturday morning, in my district office, I see the results of what people never heard of.

This attitude cannot be continued any longer, and I believe the feeling of this committee is that something has got to be done about the problems of violence and drug abuse in the schools—and I expect they are related.

I am not charging you with the responsibility of coming up with a program, but I am charging you with the responsibility of at least letting the American people know, and the people of the city of New York know, what is going on in the schools and the responsibility of cooperating with police officers and others so that we do not have repeated testimony here that the schools are havens for drug sellers because no one cares.

Dr. Scribner. You find me one policeman, one commissioner—anybody—that I have failed to cooperate with and I will resign tomorrow, Mr. Brasco. That is how serious I am about this. But I do not like this innuendo that I have not. I have responded and cooperated whenever and wherever possible in this particular field.

I live with it every day, every hour of every day.

Mr. Brasco. This is exactly what we have come down to.

We heard from Mr. Curran from the State investigations committee, we heard from Mr. Silverman, we heard from undercover police officers, we heard from a whole host of people. I am not saying, specifically, that each and everyone spoke to you personally, but I am saying specifically they have spoken with people within your department, the department you are the superintendent of, and they repeatedly testified under oath that there is very little cooperation forthcoming.

So, I suppose that there is a great gray area in the middle in which someone is not telling the truth. What I contend is that if there was an assumption of responsibility and definitive policy laid down, that these things would not happen.

That is all I am saying. I think there has got to be more cooperation.

Let me ask this last question, Dr. Scribner: Do you agree, from the very practical point of view, that since we have no known cure for drug addiction, that in order to attempt to achieve safe schools we should do something about removing those who are already addicted to drugs and teach and treat them in a separate setting?

Dr. Scribner. This is what I alluded to as one of the programs I would like to see tried; yes.

Mr. Brasco. You agree with that.

Dr. Scribner. But I want to be very careful—and you do, too—about who we are going to tap on the shoulder and remand for that particular area.

Mr. **Brasco**. I suspect those you tap are those you test and find addicted to drugs.

I do not think there is any great mystery about that.

Dr. **Scribner**. OK.

Mr. **Brasco**. District Attorney Roberts indicated that he laid out an entire program for civil commitment and sent it to the schools and the school administrators.

Do you know what civil commitment is?

Dr. **Scribner**. Citizen's arrest; right.

Mr. **Brasco**. A program under which people can be treated for drug addiction involuntarily. Getting back to Mr. Roberts' position on this. Are you for or against this program he laid out to the schools, wherein he even indicated if the teachers are upset about coming forward in terms of being responsible for civil commitment, his office, the district attorney's office, would do it?

Dr. **Scribner**. Certainly.

Mr. **Brasco**. Would you issue a directive on this?

Because he seems to think—and other witnesses who have appeared before the committee seemed to think—there is no agreement in the board of education to go forward with this program.

Dr. **Scribner**. I do not know where the district attorney circulated that. I am not aware I have a copy of this, but I am certainly aware of it now since you have the testimony, and I shall look into it.

Mr. **Brasco**. Do you think that is a good approach, or at least something to begin with?

Dr. **Scribner**. You are asking me to say it is a good or bad approach. It is a good approach for some people and perhaps not a good approach for some other people.

It would depend upon the school you are in, the degree to which you are convinced you have a program there, and I just do not want to gloss over it and give an oversimplified answer.

Mr. **Brasco**. Do you think what we ought to do is to allow someone who is a drug addict to stand on the corner and peddle drugs to other people to support their own habit, and to steal and to create disruption and wait on that street corner until they make up their minds they should come in for treatment? Is that what you are saying?

Dr. **Scribner**. No; I am not saying that at all.

Mr. **Brasco**. I appreciate that none of the programs we have are ideal programs, but I am deeply concerned, because, in all of the testimony we have heard, we have not got to the point where the board of education and the school system in the city of New York have made that first step.

That is what disturbs me. You have said a number of things, and other witnesses have said a number of things, and to that extent, someone is telling the truth. In any event, as I said, we heard from innumerable witnesses and, from my own experience in New York City, I suspect that the witnesses we heard from on the previous days are more accurate than what we have been saying here this afternoon.

Chairman **Pepper**. I am sorry. We are going to have to go back and vote again.

Dr. **Scribner**. Mr. Chairman, I think that was an unfortunate statement that was made.

I guess I have been told that I am not telling the truth this afternoon. I do not think that is fair.

Do you think so, Mr. Chairman?

Do you think it is fair to categorize a man's statement as being something less than what was said this morning?

Mr. **Brasco.** Vary simply. Dr. Scribner, I tried to be as kind as possible. If we were evaluating statements of previous witnesses and if we were to believe them, we would come to one conclusion; and if we were to believe you, we would come to another conclusion.

Dr. **Scribner.** What statement did I evaluate? Would you tell me that?

Mr. **Brasco.** We will come right back. I have to go to the floor and vote.

(A brief recess was taken.)

Chairman **Pepper.** The committee will come to order. Mr. Brasco.

Mr. **Brasco.** In the spirit of the "end-the-war" amendment we just voted on, let me say, in all candor, the point I was trying to make, sir, very simply, is this: We heard witnesses who told us about the lack of cooperation. When we say "lack of cooperation," a police officer singled out one or two schools, but, by and large, there was an idication of complete lack of cooperation with respect to allowing the police to make arrests of drug sellers.

Mr. Silverman testified, under oath, this morning, and the State investigations commissioner, and the health department and all of them told us about the lack of cooperation.

The problem may be that the things that we just agreed on for the record, are programs advanced by all of the preceding witnesses. Now you do not seem to be able to get these ideas down to your people to implement them. That is what I was trying to get to, because either those other witnesses are accurate, or you are accurate, or there is a complete lack of communication.

Dr. **Scribner.** I am with you on end the war amendment, but let me just say this:

What bothers me a little is this:

Michaels came to me and wanted to know if he could film the school. He filmed that school. I worked with him. As it happens, Mr. Silverman and I did not get together on it. I do not know what his problems were exactly, but I am trying to say that it is not my spirit to be uncooperative. It is my spirit to try to resolve this problem, and it bugs me 24 hours a day, as you can well understand, as it does you. I want to work together to do it and not say "This guy is guiltier than that guy, or better than that guy." That is not the answer to it, as I see it.

Mr. **Brasco.** I agree. The picture that has been painted has been that there has been a lack of action, and I am just emphasizing and possibly overemphasizing the fact that we ought to do something right now.

I am wondering whether or not, when you implement a program, Dr. Scribner, do you have to have it then approved by the board of education?

I mean, how does that operate?

Dr. **Scribner.** The overall concept?

Mr. **Brasco.** I do not understand the internal structure.

Dr. **Scribner.** The policy has to be the board's policy.

The implementation of the drug programs out in the schools, no. Those are not board of education policy.

The board of education is aware we got the funds; they are aware, after the fact, of the programs we have instituted but they did not opt out facts individually on each program.

Mr. **Brasco.** What you are saying, if I understand you correctly, is that you can give orders directly?

Dr. **Scribner.** Administrative decisions.

Mr. **Brasco.** And the other areas, you have to go to the board?

Dr. **Scribner.** If it is policy. Right.

Mr. **Brasco.** In the context of the things we talked about, the short-range programs, the alternate school system, the commitments as recommended by D. A. Roberts, all the other things we spoke about which are short-range and admittedly not the best. I suppose, but we need them. Do you have to go to the board of education to get approval to implement those programs?

I am trying to find out where the jam-up might be.

Dr. **Scribner.** Many times I have to look in the record to see if the board has an existing policy.

If the board has a policy that policemen cannot go into the schools, then I have to go to the board to get that changed. I am not aware where I stand on that particular issue. I did not know, frankly, policemen were having problems getting into schools. But much has come out that makes me aware of these problems, and I guess the only reason I get my short-range views is the fact I would like to get going on them. I am just as anxious to get going on them as anybody in the city of New York.

Mr. **Phillips.** May I just interrupt at that point?

It is quite clear from the report of Chairman Curran and the State investigations commission, that there were troubles in getting into the schools.

The second recommendation they make is:

> The board of education and the school officials must begin to cooperate fully with the police and law enforcement agencies.

That was brought to your attention last year.

Is that the case?

Dr. **Scribner.** Yes.

Mr. **Phillips.** If you had read that report and sent someone or went over to Mr. Curran and invited someone to talk to you about it you would have been more fully advised of the situation, wouldn't you?

Dr. **Scribner.** Have you read the entire circular No. 10?

Mr. **Phillips.** Yes, I have; and I am asking you about Mr. Curran's report, Dr. Scribner.

Dr. **Scribner.** I have.

Mr. **Phillips.** Have you read Mr. Curran's report?

Dr. **Scribner.** At the time Mr. Curran filed that report, my mother had passed away. That is why I was not at the hearing that particular day.

Mr. **Phillips.** It is your testimony you were not there to testify; however, the report was issued long after the testimony was taken.

Dr. **Scribner.** As soon as I——

Mr. **Phillips.** The report was issued, and the report could have been on your desk for months.

Let me read the first paragraph of this report. Apparently, you are not aware of what this report says.

Dr. **Scribner**. Go ahead.

Mr. **Phillips**. It says, and I will read:

> For too long, the New York City Board of Education and the school authorities have ignored the serious problem of drug addiction that affects their student population. This inaction and head-in-the-sand attitude has fostered and abetted the spread of the drug plague in the city's schools. A drastic change in the attitude of such officials is long overdue. An honest recognition of the nature and the extent of the problem and a willingness to assume their appropriate responsibility in meeting it is the basic first step which they must take.

Now, that is an indictment of your school system.

It is an indictment of all of the management of that school system, and you are contributing to the drug plague that is affecting the schools.

Have you read the report?

Dr. **Scribner**. I have read the report, but I could not answer questions about the specifics of the report.

I said to you earlier, and I will repeat again, that I started working immediately with the board of education on this problem. One criticism he has there is the reporting. I did not pick up the criticism on the police going into the school. No one has come to me and made that point.

Mr. **Phillips**. It is the second recommendation.

In addition, did you ever institute a program to get pushers out of the school?

Dr. **Scribner**. We have subsequently issued a practical——

Mr. **Phillips**. Have you introduced a program to get pushers out?

Dr. **Scribner**. I did not institute a program to get pushers out of the school.

Mr. **Phillips**. Did you have a program to get pushers out of the schools?

Dr. **Scribner**. Yes. Our programs are aimed that way. It is a security guard program. The stability team program. All of these programs are aimed at getting pushers out of the schools.

Mr. **Hafetz**. Is there any specific guideline issued to the school authorities that they should cooperate with the police in allowing them to cover agents in the schools?

Dr. **Scribner** (reading):

> The principal of the schools shall furnish to the police department or other law enforcement agencies all information relating to crimes involving narcotics dealings committed on school premises. The principal shall also offer such other assistance as may be required for prosecution of such violations.

Mr. **Hafetz**. Specifically, have you issued guidelines ordering the principal to cooperate with the police where the police suggest that an undercover team would be an effective means of combating——

Dr. **Scribner**. No, I have not issued that guideline.

Mr. **Hafetz**. Why not.

Dr. **Scribner**. Well, frankly, the first I knew of the undercover team was when it was brought out in your testimony.

Mr. **Hafetz**. You never heard of it previously ——

Dr. **Scribner**. I did not know there were undercover——

Mr. **Hafetz** (continuing). As an effective means in some schools of combating the drug pushing problem?

Dr. SCRIBNER. I have talked with Commissioner Murphy. We did not raise that particular question. No, I did not. I have a police representative on my staff who serves on the stability team full time.

Mr. HAFETZ. The FIC report of 1 year ago specifically states an undercover team for a particular method of combating the problem. Has anyone on your staff ever told you the schools were not cooperating with the undercover authorites?

Dr. SCRIBNER. No, they have not.

Mr. HAFETZ. Is there any reason why that information does not come to your attention—or a point of criticism, in effect, of law enforcement means of dealing with a critical problem is made; is there any reason why the chancellor would not be informed as to the problem and to whether guidelines would be issued to deal with the particular problem?

Dr. SCRIBNER. I cannot give you the reasons why I was not informed. I merely state to you I was not informed they were having difficulties.

Chairman PEPPER. I want to ask some questions.

Dr. SCRIBNER. I am very much aware that this is a very difficult problem. There are many facets to it. And, as you suggest in your statement, the solution of it is to be arrived at, if at all, by cooperation of the Federal, State, and local authorities.

Now, it seems to me that one of the greatest deficiencies that we have discovered in our school system, from the witnesses that we heard, was the failure of the school board, as they say, to put its foot down on the use of drugs in the schools and to issue a "no nonsense" directive to the principals, teachers, and everybody connected with the operation of the New York schools that drug abuse is to be stopped in the schools; so that there will be no misunderstanding of the attitude of the board of education.

From that would flow certain policies and, of course, certain directives and actions. In the first place, the students would understand that the authorities say that they are either going to arrest you or suspend you from the schools, or do something to you if you violate this directive of participating in the traffic of drugs or the use of drugs in the schools.

I know you cannot root it out overnight. Maybe we will never be able to root it out, deeply rooted as the culture is at the present time, but that seemed to be a conspicuous deficiency on the part of your board that you have not taken strong positive position in stating the directive of the school board.

If you had, it seems to me that there would follow from that, that when undercover police officers went into a school that they would be welcome and the pricipals and the teachers would cooperate with them.

If you had to let the students know that you meant business when you gave that directive. Let the attitude get out in the school that we are not going to tolerate it and that we are going to take whaever disciplinary measures are necessary: if we have to use the police, we will do that in order to try to get it out. That is the first thing.

We are going to hold hearings in just a few days in Miami, Fla., in my home, and I suspect we're going to find the same problems there we found in New York. We are not picking you out to make an example of you. This is a problem of great magnitude. I suspect a lot of the

5

reasons why the school boards have not done more is because they do not know what to do in dealing with a problem of such magnitude.

But that would be the first thing.

The next thing: You say you had $18 million that has been dropped now to $15 million from the State of New York. Are you getting any Federal money for this drug program in the schools?

Dr. **Scribner**. I have to ask the staff. I believe the peer group guidance is Federal money; is it not?

Dr. **Anker**. Yes.

Chairman **Pepper**. My understanding is that some money, several million dollars, appropriated by the Federal Government, for drug education bought films and maybe lectures and that sort of thing—I do not know. One of the things this committee is interested in is how effective are the several programs the Federal Government is funding at the present time in dealing with the drug problem in the schools.

Can any of your associates throw any light on that?

What are you getting from the Federal Government and what are you doing with it?

Dr. **Scribner**. Mr. Williams, in education; how about that?

Mr. **Williams**. We do not have any funds coming in for drug education of teachers, as far as I know. The only Federal moneys we are using are those for the employment of the paramedics that Dr. Scribner referred to. That is under the Emergency Employment Act funds, which we are presently using.

But in drug education, we do not have any Federal funds coming in.

Chairman **Pepper**. What about Federal funds for the treatment and rehabilitation of drug addicts in the schools?

Dr. **Scribner**. I think Commissioner Finney will know about that particular part of it more than I do, where the funds come from for the treatment. I am not sure of that.

I want you to know that under title I funds, for what I think to be the first time in a realistic manner, we have created an advisory council on this that we might look to those to cover. You know that they do not speak directly to this particular issue but there are places where they can help.

Chairman **Pepper**. Well, now, advisory committees are all right, but the thing is to get something done about the situation, the practical situation.

Dr. **Scribner**. The Federal guidelines call for that.

Chairman **Pepper**. Obviously, the education and medical authorities must devise the best programs to deal with this problem; mustn't they?

Dr. **Scribner**. Yes, I agree. This is not cop-out, not an excuse, but one of the problems we have is the doctors and the nurses are, of course, under the department of health. We have two bureaucracies at work here in the schools. We have investigated the possibility of bringing them under one head.

Chairman **Pepper**. We had a witness tell us that a doctor stayed in the schools only 1½ hours a week.

What good can a doctor do in a school in just 1½ hours a week in dealing with a drug addiction problem that is 5 days a week in the schools?

Dr. **Scribner**. This, again, we make the request for more time, but we are dealing with another agency.

Chairman PEPPER. Now, the reporting. You have got to know the facts, and we get the impression that your people—and I am sure we will find a lot of other school authorities, not knowing what to do with this problem—have tended to ignore it, saying: "Well, let it go; we do not report to the medical authorities; we do not report to the school authorities. We try to save the school from getting a bad name; we try to save the child that is a user from being embarrassed or a family from being embarrassed." Consequently, the menace grows in the school.

So, first, a firm position on the part of the overall educational authority; second, the maximum cooperation in the determination of the facts; and, third, the devising of the best method to deal with it.

What do you do with a student that you find abusing a drug? Do you suspend him from school; do you report him to the police; do you send him to a special treatment center; or do you tell him to stay home? What do you do?

You have got problems in knowing what to do.

Then, the last thing is, as you said at the beginning of your statement, the funding proposition. Now, I am of the opinion that the Federal Government is hardly doing anything to help with the drug problems in the schools.

We have some educational programs where we have films made and we hire a few people. But I think we are hardly doing anything. One of the things the committee is very much concerned about is the nature of the problem, the facts, as to what is being done, and to see if we cannot stimulate a Federal program that will be primarily directed at the drug problem in the schools, working with the States and the local authorities to apply the best techniques we know for the prevention, treatment, and the rehabilitation of the students that are involved.

That is what we are concerned with.

Dr. SCRIBNER. I appreciate those words, and I think there is some good advice in there for us, and I am pleased with the thought of optimism you have in that we are going to try and do something.

Chairman PEPPER. But we have to come to grips with it, haven't we, Doctor?

Dr. SCRIBNER. Yes, we have.

Chairman PEPPER. We cannot ignore it; it will not go away.

We have got to think more about the public interest than we have as to the private embarrassment to the school, or parents, or child, because this is a menacing situation. You would not want your child, a tender, beautiful girl of 15 years old, let's say, to go into a school where there was a rampant use of drugs with the possibility that that young girl might, in a little while, become addicted to heroin.

You would not want that to happen, would you?

Dr. SCRIBNER. Absolutely, not.

Chairman PEPPER. And no other parent wants that to happen either.

So, what we want to encourage you to do is to experiment with the programs that will get the best results, and then help us to recommend a program to the Federal Government that will help you carry out such a program, and also help the Federal Government to develop such guidelines as possible.

As I understand it, the methadone treatment programs in New York State are not applicable to school age people, to teenagers; are they?

Dr. **Scribner.** I believe that is correct.

Chairman **Pepper.** So, when you take away the methadone treatment program you have taken away the bulwark of the present rehabilitation program for drug addiction; haven't you?

Dr. **Scribner.** Yes. I think we ought to do everything possible with these young people so that we do not have to go that far with them. I think you would agree on that.

Chairman **Pepper.** You are a very responsible, outstanding school administrator perhaps of the largest school district in the country. You have 1.13 million students. Is yours the largest, or is Los Angeles larger?

Dr. **Scribner.** We are the largest school system in the world.

Chairman **Pepper.** Can you summarize for this committee any recommendations that we could make to the Congress that would help the State of New York and the authorities of the city of New York to dealing more effectively with this problem?

What recommendations would you suggest that we make?

Dr. **Scribner.** You want that all today or submitted to you in writing?

Chairman **Pepper.** Give it in summary form right now, if you have anything. If you want to make it more elaborate, you can submit a written statement. (See letter dated Oct. 2, 1972, at p. 416.)

Dr. **Scribner.** We get into philosophy now, and we may have some difference in the approach. I could come back again to the statement we made to Congressman Brasco. I think we have a short range to take an immediate look at, and that is next fall. We have got to make the school safe. I agree with you, we have to take a harder look at where we stand on this issue.

Then, I think we have got to take a look at different kinds of programs. Everybody has a different style for learning. You know, you may learn one way; I may learn another way. The notion we have of a 4,000-pupil high school, we are trying to turn that around right now. We are trying not to build, except those in the pipeline, already planned, any more 4,000-pupil high schools. That was a board of education policy, and I do not have it this moment.

I would like to expand the concept of the work-school experience for many of these young people.

We have tried some experiences this year that are working very well.

We are having what we call satellite campuses. Only another name for a school, in a sense. But these are leased properties, two of them in the downtown section, two youngsters, back to back, going to industry and learning; in other words, one is in the school, and the other is in industry—in business, rather. We also have another satellite academy up near the hospital where these young people have direct relationship to the hospital; half time in the hospital, half time in the satellite academy.

We have tried young people on what we call executive internship, where you would have an aide from high school who would work with you for 6 months, get full credit back at the school but would get themselves connected to this society from which they had been disconnected in many instances.

I cannot lay down a particular program for you because I do not hold that I have that answer, but I think we have got to try many different ways for educating youngsters.

Chairman **Pepper**. We can at least agree on one thing: As asked of you here earlier, you do not know what kind of program to devise unless you know the facts; do you?

Dr. **Scribner**. Correct. Absolutely, correct.

Chairman **Pepper**. But, surely, there should be no sanctuary in a public school for the sale of heroin and these other dangerous drugs in the restrooms, the stairways, and the other areas around the schools. Surely they should not be gathering places for drug addicts and pushers.

If there was a firm policy on the part of the school authorities that if you do that and you are caught, you are either going to be turned over to the police or you are going to be sent home or punished in some way, that just could not exist if you had a firm policy to that extent.

Dr. **Scribner**. Before school opens next fall in New York City, I guarantee you we are going to try and have some approach to this particular situation. That is a commitment, Congressman.

Chairman **Pepper**. All right.

Thank you very much, Dr. Scribner.

If you wish, send us any further recommendations.

There are other questions. The staff will go ahead, Dr. Scribner. We have to go over and vote.

Mr. **Phillips**. Dr. Scribner, in relation to this program of getting the drug pushers out of the school, could you tell us what program you did institute to get the drug pushers out of the school?

Dr. **Scribner**. Mr. Phillips, I think we had assumed that the staff would be as adamant to drug pushers being in the school as anyone else. We have set up systems for the school administration to refer them to the police, not only these people but anyone else who is a danger to the safety of other people in that learning environment.

Mr. **Phillips**. I thought there was some program you had. You say you just have a procedure where the school officials, the schoolteachers, refer these people to the police?

Dr. **Scribner**. Yes.

Mr. **Phillips**. Let me read a quote I have attributed to you on April 6, 1971. It quotes you as saying:

> I am sick and tired of getting at only the top of the iceberg. We have to do something about fighting the pusher. We have been too kind to this part of the problem too long.

Is that an accurate quote of what you said?

Dr. **Scribner**. Yes; it is.

Mr. **Phillips**. You say that you have been too kind to the problem too long. What did you mean by that?

Dr. **Scribner**. In other words, we have been too apathetic to this problem too long. "Kind," perhaps was a poor choice of a word there, but we have not done enough about it.

Mr. **Phillips**. This was 1971. At that time, you thought you had not done enough about it?

Dr. **Scribner**. Last spring; yes.

Mr. **Phillips**. 1972 would be last spring; 1971, the spring before.

What have you done about setting up the program since 1971 to get at these pushers?

Dr. SCRIBNER. We come back to the circular again——

Mr. PHILLIPS. I read that circular, Dr. Scribner, and the circular, quite frankly, does not impress me.

I will go through the circular with you, and so forth.

During the same interview, Doctor, you make the following statement: You are asked to describe this program that you had to get at the pushers, and I quote:

> Scribner refused to disclose any of the details of this program, noting that to do at this time might diminish its effectiveness. But asked if it would include a combined effort by the school system and other agencies, he replied: "That is a good assumption."

Was that a statement that you made?

Dr. SCRIBNER. Yes; it is.

Mr. PHILLIPS. Was there some program you had in mind at that time?

Dr. SCRIBNER. I had a program in mind that I went to see Commissioner Murphy of the police department about, but I did not float that program.

Mr. PHILLIPS. The program died?

Dr. SCRIBNER. That is right.

Mr. PHILLIPS. Never existed?

Dr. SCRIBNER. That is correct.

Mr. PHILLIPS. You say you had other agencies in mind. What other agencies did you have in mind?

Dr. SCRIBNER. The police department.

Mr. PHILLIPS. Just one agency. What was your request of Commissioner Murphy about this particular drug-pushing program?

Dr. SCRIBNER. I would rather not go into that now, since I met him in a very private conversation and we did not do anything about it.

Mr. PHILLIPS. Will you tell me why you did not do anything about it?

Dr. SCRIBNER. It had too many problems in it for me to attempt to resolve and it may have been wishful thinking on my part in the beginning.

Mr. PHILLIPS. Well, what viable programs did you adopt to get the pushers out of the schools?

Dr. SCRIBNER. We have, I think, done a good job, which is not through the route of a circular, like circular 10, but we have been also recognizing another large issue that Mr. Silverman talked about this morning, that we classify as "cutters and roamers" in the school.

We have taken a stand, I think a strong stand, and many of the principals agreed with me on it—some would not agree, obviously—which says, in effect, "You must understand every youngster does have a right to a public education. But there are certain restrictions on that that deal with his responsibilities. And I am saying that after you try at the local schools to take these cutters and roamers who have been consistently cutting and roaming corridors, to guide them, to try alternative programs, to meet with the parents, and if that all fails and you deem him a safety hazard to the rest of the pupils in that school"—I am speaking now of the law—"you may suspend him."

Mr. PHILLIPS. Where does he go then?

Dr. Scribner. That is my problem.

Mr. Phillips. It is your problem and it has been your problem and the school system's problem for a number of years; hasn't it?

Isn't it about time we had some answers?

Dr. Scribner. Sir, I just said we are going to try and fit them into all of the existing programs.

Mr. Phillips. I sympathize with you. You have only been there for a year and 8 months. But I think Dr. Anker has been there for a longer period of time. This is not a new problem, but we are still getting the same answers: "We are going to look into it. There is a future program that is going to solve the problem."

Isn't it about time you had some programs, that you had some pilot projects to solve the problem?

Dr. Scribner. Sir, I just said to you we have what I call roamers and cutters in large numbers in some schools. I think it was a first for some people, at least, to have a list of all of the alternatives for education in New York City presented to them, that they were requested to get these youngsters into some of those programs. Having failed that, we gave them the right to suspend them.

Then we have the auxiliary schools which serve young people who have been suspended, but, again, it is on their own initiative to come there.

Mr. Phillips. In the first recommendation which I read to you, the last sentence read:

> An honest recognition of the nature and extent of the problem and a willingness to assume their appropriate responsibility in meeting it is the basic first step which they must take.

This is in Chairman Curran's report.

Can you tell me what your responsibility is in relation to drug addicts in the school?

Dr. Scribner. My responsibility to the drug addict separate to the pushers?

Mr. Phillips. Both.

Dr. Scribner. If it is a pusher, it is to get him out of there, obviously.

Mr. Phillips. You feel it is your responsibility to get a drug pusher out of the school?

Dr. Scribner. Yes, absolutely.

Mr. Phillips. What is your responsibility to the addict?

Dr. Scribner. To get him into some kind of care and treatment.

Mr. Phillips. What type of care?

Dr. Scribner. We have referred them to something like 174 different agencies in New York City.

We also, may I add, furnish staff to some of those agencies to help those youngsters.

Mr. Phillips. Do you feel it is your responsibility to create programs instead of referring this matter to some other agency and dropping the problem with someone else?

Do you feel you have a responsibility to create a program, to create an alternative method of education for these particular drug addicts?

Dr. Scribner. Some of them that we can create, but we are all city agencies and we also have to use the existing agencies so we will not double tax dollars to duplicate.

Mr. Phillips. I think that is essentially the problem.

Dr. **Scribner.** What is that?

Mr. **Phillips.** I think that is the nub of the problem.

I think that the board of education thinks that addiction is somebody else's problem. I think other people think it is the board of education's problem. I think there is a failure in the city of New York to delineate the responsibility of each of the agencies involved.

Dr. **Scribner.** I can't square that with what we have done this year. I can't square your statement with what we have been doing. We have attempted, I think, in a very realistic and real fashion, to move into the schools and to find help for these kids.

Mr. **Phillips.** Well, my reading of the record, Dr. Scribner, is different than yours.

Mr. **Hafetz.** In terms of the programs that were initiated last fall, September 1971, is it true these were the first drug programs initiated in the New York City school system?

Dr. **Scribner.** There were curriculum programs, in-service-training programs; they were in existence. There was the peer group program that was in existence. This other aspect of programs that came along, the drug coordinators, paramedics, intervention programs, these are new.

Mr. **Hafetz.** Are these State-funded programs?

Dr. **Scribner.** They are State-funded programs.

Mr. **Hafetz.** Approximately how much is the State funding?

Dr. **Scribner.** In the high schools for this year a little better than $4 million, and in the elementary education, in excess of $15 million, I believe.

Mr. **Hafetz.** Is it true the bulk of the high school programs are State subsidized at present?

Dr. **Scribner.** The bulk of the program, themselves, yes. Now, I will have to add to that, the guidance people, the various people who work in the schools, their involvement, of course, is on tax levies.

Mr. **Hafetz.** Dr. Scribner, if the State funds were cut tomorrow, would there be any board of education drug programs in the schools of New York City?

Dr. **Scribner.** I am not prepared to say there would not be. I am prepared to say it would be a tremendous blow to us. On the other hand, this is high on our priority list, and I would have to sit down with the board and see what we can do with the funds we have now. It would be a tremendous hazard to us.

Mr. **Hafetz.** Is there any reason why, prior to State funding, there were no programs to combat the drug problem in the high schools?

Dr. **Scribner.** I do not want to touch on this lightly. This is a very easy approach to it, obviously, to say we asked for funds in our budget and did not get them on tax levies. We asked for them last year and the previous year that I know about. Prior to that, I can't explain to you. But we did not get those funds.

Mr. **Hafetz.** You are saying, to a degree, not getting the State funds is the reason why there were not any programs in the city high schools prior to last fall?

Dr. **Scribner.** I will put it around the other way.

Getting the State funds helped us to mount them and get them going; yes.

Mr. **Rangel**. Let me interrupt here, then. What you are saying is that you did have proposals that were submitted?

Dr. **Scribner**. To the city council, the mayor.

Mr. **Rangel**. In connection with drug abuse?

Dr. **Scribner**. Right.

Mr. **Rangel**. I assume you still have programs now that you are looking for funds for, other than coordinators and peer programs?

Dr. **Scribner**. Yes. I would want to evaluate those programs in terms of what we know about the present programs, but we have many needs for alternative education for the young people of New York City, to get them in off the streets, to get an opportunity to get them out of those schools where they are creating the trouble they are creating right now.

Mr. **Rangel**. That would be one of the solutions; that is, alternative education, a new environment for those addicted to drugs. I assume that there should be some educational programs where you would be telling the youngsters about the dangers of drugs, that you would like to see these types of programs get funded?

Dr. **Scribner**. Definitely. We now have programs going but we have not mandated that for all staff members yet.

We have to expand that and go further with what we now have.

Mr. **Rangel**. I am not talking about what you have in connection with your limited budgets. I am talking about what you would like to have.

Dr. **Scribner**. That is what I am saying to you. We would like to make this available to every staff member.

Mr. **Rangel**. You mean training in the area of being able to identify the addict?

Dr. **Scribner**. Yes. I happen to believe—and this was discussed this morning—that one way, at least, to help resolve it, is to get all members of the staff properly attuned to this problem that has come to them as it has come on to us. They are not always able to help with this. I think we have to get everybody tooled up to this type of confrontation and assistance that is going to take place.

Mr. **Rangel**. Is this failure to tool up, in your opinion, one of lack of training or difference in attitudes as to what is a professional responsibility?

Dr. **Scribner**. Well, there are two problems existing here, if not more. There is feeling, of course, that our collective bargaining agreement currently limits the call which you can make upon staff members to help monitor halls, corridors, and these kinds of activities.

I believe it is essential that we take another look at this. If we are going to hold the principal of the school accountable—and I think we should, or change him or her—then, I think we have to at the same time make staff available to him to help him do this job.

Mr. **Rangel**. I do not see how it can be avoided. If we are talking about the quality of education and improving the quality of education how can you avoid the help of the very recipients of this education, no matter what the quality of it is?

I felt quite embarrassed to find out for the first time as a Congressman, a member of this committee, the very limited resources we have as relates to medical personnel in our schools.

Dr. **Scribner**. I think this is a very serious problem; yes. These schools that are seriously troubled need a full time doctor there.

Mr. **Rangel**. I do not have any problem listening to teachers who want more pay. I do not have that problem.

Dr. **Scribner**. I have no problem with that.

Mr. **Rangel**. And getting feedback about tenure. I do not have any problem hearing about teachers complaining about too much community control. I mean, it seems as though these issues are rehashed weekly in the press. But I just do not seem to find, either from the board of education or the United Federation of Teachers, any program where they can say: "Yes, we have our fiscal difficulties, but this is the type of program that we would like to have, and the State and Federal Governments better hurry up and move on it, or we will have a disaster area in our school system."

I guess, really, Mr. Chancellor, what has happened in Bedford-Stuyvesant and the South Bronx and South Jamaica and my community, certainly is, I think, a preview as to what is or what can happen to the same degree in all of our school systems. It is no longer a problem of New York alone, or just the big cities.

Now, if the United Federation of Teachers had gone national, would it be asking too much of them to report back what their experiences have been in these schools and in their collective bargaining to try to relate to this very serious educational problem?

Dr. **Scribner**. We are at the table right now on this negotiation for the next 3 years, and that will be a part of their discussion. There is no question about that.

Mr. **Rangel**. Because it is my understanding, certainly with the members of the Crime Committee, that they are very anxious to push for a Federal program in order to combat this epidemic. Even some of the members that come from rural areas have been enlightened enough to see the handwriting on the wall.

The problem is that when you come in with peer groups, coordinators, and faceless programs which really are just an attempt, it is difficult for any legislator to identify where those Federal funds would be spent. Some of the people in my community have had problems with identification. But yet, without identification, it is impossible to get the statistics as to the population which you want to give special services to.

I mean, no one likes to be called a welfare recipient, and I suppose being declared a drug addict isn't the most complimentary term, but, still, somewhere, the board of education has to present a proposal in connection with this epidemic. This is our problem—we do not know the answer, but this is how I would like to tackle it.

We have not been able to get that type of understanding from the board of health. I mean the testimony, Chancellor, was unbelievable. They felt they were adequately staffed to provide absolutely minimum attention to our medical problems in the schools, and even today, as we squirm to find out what you have been able to do with the limited funds, I have been unable to find out whether or not there has been some program or some piece of legislation, something that you would just like to give to the Congress and say, "If you really want to help, this is the area," rather than saying, "We need more money."

Dr. **Scribner**. The chairman of the committee, I think, made it very clear that he welcomed a submission to the committee on some thoughts we might have.

I go back again to the fact that while we are dealing with the drug problem—and we have to deal with it, rightly so—we are dealing with a symptom as well and we need to get down to what the cause is. Although this is not the sole cause, and I am not going to oversimplify it, we need to get down to education and talk about different modes of education, different ways to approach it.

As you well know, we are tied into the capital budget that sets the limit. We have the big buildings that come along. Everytime we move out and employ the space such as Wingate Prep we were talking about this morning, that, then, comes out of current budget for leasing space.

I would like to submit a program to you that would deal with changes in education that would help us break down some of our problems in New York City, at least; and it will demand funds. There is no question about it.

Mr. **Rangel.** Chancellor, I share with you your thinking, but you recognize that Congress is not the most enlightened body that we have in this country. Unfortunately, it responds to crises.

I agree with you, the whole educational system in the cities has to be overhauled, but the emotion today is attached to drug addiction.

Dr. **Scribner.** Yes, but I think we can make some move from funding in this particular case. In other words, we do have the safe streets bill, which I presume opens up the possibility for security. We now have to take a look at how we could reorganize our educational programs to diffuse, to take care of, some of this frustration that is existing out there in some of our schools. Everytime we have made a move with an alternative facility, we have gotten a reasonable amount of success with it—reasonable amount. I think we are beginning to find something here that would hold great potential open to the city of New York.

Mr. **Rangel.** Have we got anything for openers today, things we could start to review and support?

I mean, is there a program that you would like to see go into effect that deals with this problem?

Dr. **Scribner.** Rather than shoot from the hip on it, I would like to send it to you in writing, to put together something minimal.

Mr. **Phillips.** Dr. Scribner, isn't that the problem?

After 2 years, or 18 months, with this system you still do not have a program to offer to handle the problem?

The Congressman has asked you and you state, essentially, you are the largest system in the country, you have had the problem probably more intensively than anyone else, and you have not come forward with those programs through either your city council, or through the State legislature, or the Federal route.

Dr. **Scribner.** Oh, yes, yes, yes.

Mr. **Phillips.** "This is the program we want; this is the thing we think is going to solve the problem," and you come to us and you said today that you think you should hire a number of experts to design a long-range solution.

Isn't that what people have supposedly been working on, a long-range solution?

Don't you have the programs now?

Dr. **Scribner.** Mr. Phillips, I put together parts of many programs for the city council. They are in writing; they are in the budget. I am trying not to rehash those today.

I thought I heard you say you wanted something more substantial than a rehash of what we have now. We just lost $5 million in our State-aid funding. I could very easily say "Give that back." I do not know that is the direction I want to go to. I don't know if I want to shoot from the hip on this and plan the program. I am not talking about 6 months; I am talking about 10 days.

Mr. **Phillips.** This is a circular written in 1971, October 7, 1971, which is the circular you keep referring to.

(The circular referred to follows:)

SPECIAL CIRCULAR NO. 10, 1971–1972: BOARD OF EDUCATION OF THE CITY OF NEW YORK, OFFICE OF THE CHANCELLOR, OCTOBER 7, 1971

To: Community school board chairmen, all superintendents, executive directors, directors heads of bureaus and principals of all day schools.

INFORMATION AND RESOURCES RELATIVE

Ladies and Gentlemen: Drug and substance abuse continues to be a critical societal problem which cries out for a massive effort from every community resource that has an interest in the health, growth, and development of young people. While it is unrealistic to think that the school can resolve these problems unilaterally, nevertheless, with the cooperative effort of the home, the clergy, law enforcement authorities, public health agencies and, of course, the school, with a pulling together of resources, a commonality of purpose and effort, and a dispelling of mutual recrimination, more positive results may be achieved. The school will do its utmost to provide the means with which to translate knowledge into wholesome health practices. The assignment by a principal or a member of his staff to be responsible for matters relating to drug abuse is seen as an essential step in achieving the aforementioned objectives.

CURRICULUM

Upper elementary schools (grades 4–5–6)

A recently developed elementary school curriculum bulletin in health education (1969–70 Series #2) makes provision for instructional treatment in grades 4, 5 and 6, of the hazards resulting from experimentation. Treatment of drug abuse information may be started earlier than grade 4 when the situation is so indicated. The basic curriculum needs for children on this level include:

1. Appreciating the importance of good health and vigor.
2. Understanding that drugs, when properly used, are beneficial to man.
3. Understanding the role of the family, school, physician, dentist, nurse, pharmacist and community agencies in safeguarding their health.
4. Beginning to accept responsibility for maintaining and protecting one's own health.
5. Understanding that drugs and volatile chemicals, when improperly used may be harmful.

Secondary school (grades 7–12)

A recently revised secondary school curriculum bulletin in health education, presently awaiting printing but expected to be ready shortly, makes provision for instruction in courses taught in grades 8 and 11.

Intermediate and junior high school

These formative years are critical in the development of youth. Pupils in these grades will begin to challenge the teacher's information and authority with respect to drug use. Among the important drug education goals on this level include:

1. Understanding the scientific knowledge regarding drug and other substances of abuse.
2. Understanding the social, psychological and environmental factors related to drug abuse and prevention.

3. Developing skills in decision making as a means of dealing with peer pressure.
4. Appreciating the role of government agencies in the regulation and control of drug use.
5. Appreciating the effects of drug abuse upon one's personal and social functioning.

Senior high school

The focus of drug education at this level should be on preparing the individual to take his place in the community as a responsible citizen. Some of the important educational outcomes on this level include:

1. Appreciating the complexity of the drug problem in our society.
2. Examining the societal factors which influence drug abuse.
3. Appreciating that a healthy person does not need drugs as a crutch in performing daily activities.
4. Exploring positive alternatives to drug abuse.
5. Understanding the role of governmental and private agencies in treatment and rehabilitation programs.

While the matter of imparting drug information is vitally important in alerting young people to the realities of drug abuse, experience has shown us that this is not the sole answer. Our real challenge is in helping youngsters to better understand themselves, in helping young people to explore and discuss positive ways of fulfilling those needs which they feel might be satisfied by drug use. This can best be achieved in a classroom atmosphere of honesty and openness—a process of peer group dynamics—in which youngsters may examine and explore their attitude and behavior under the guidance of a sympathetic teacher.

CURRICULUM GUIDELINES

Effective implementation of the curriculum requires the following guidelines:

1. Copies of curriculum bulletins in health education should be made available to all teachers involved in the instructional program. These may be supplied through normal school allotments. Should there be need to accommodate supplementary requests, bulletins may be purchased through the Publications Sales Office, 110 Livingston Street, Brooklyn, N.Y. 11201.
2. All types of audio-visual aids essential for concretizing learning should be available for instructional purposes. Films and filmstrips, obtainable through central distribution, are listed in Curriculum Bulletin Number 17. Instructional Films and Tapes, and may be secured through the Bureau of Audio-Visual Aids.
3. Participation in in-service training courses and professional conferences are recommended for principals and teachers on all school levels and on a district-wide basis. This is particularly important for elemetary school teachers who, because the problem of drug abuse is just emerging among children of elementary school age, require special and more comprehensive training.
4. Institutes and district workshops capitalizing on a network approach should be developed relative to the instructional program in narcotics and substance abuse education.
5. The availability of resource personnel should be made known to the professional staff.
6. Principals and teachers should become identified with community projects and programs in narcotics addiction so as to achieve a commonality of purpose.
7. Instruction in health education in junior and senior high schools is to be scheduled on a five times per week basis for a single semester, preferably in 8th year of junior high school and 10th or 11th year of senior high school. This would enable schools to carry out sustained daily instruction over a period of time commensurate with student needs. This pattern of scheduling instruction is stated in the Commissioner's Regulations for health education.
8. Textbooks with substantive treatment in the area of narcotics education should be made available to students on a permanent rather than rotating basis.
9. Schools should develop libraries containing instructional materials on narcotics education as reference resources for both students and teachers. These materials may include posters, charts, films, filmstrips, pamphlets, playlets, etc. The Bureau for Health and Physical Education is prepared to furnish lists of available free and/or inexpensive supplementary material.
10. Principals should designate a staff member to be responsible for in-service training of teachers, curriculum construction and implementation, coordination of in-school and out-of-school phases of narcotics education, establishment of

school resource centers and liaison with parents, outside service agencies and academy groups, so that round-the-clock efforts may be maintained in servicing students in need of help.

GUIDELINES FOR EMERGENCY CARE PROCEDURES

The gravity of the drug abuse problem and the steadily rising incidence among the student population require that teachers, as members of the community, be prepared to render immediate assistance to save lives and to minimize disability. The guiding principle to be observed is that the person who administers first aid is not a physician but one who assumes responsibility for providing immediate and temporary care until the services of a physician can be obtained.

It is important that all school personnel—supervisors, teachers and para-professionable be sensitized to possible behavioral evidences which might suggest drug abuse. Among the manifestations are: disorientation, confusion, euphoria, auditory and visual hallucinations, delusions, distorted sensory perception, drowsiness, lack of coordination, feelings of detachment, incoherent speech, disruption of thought processes and unconsciousness. Pronounced pin point pupils of the eyes and needle marks on the arms and other parts of the body are physical signs indicative of possible heroin abuse.

Course of Action

The following guidelines are suggested for dealing with cases of drug abuse:

FIRST AID PROCEDURES

1. When a student is comatose or semi-stuporous, the situation should be regarded as a life threatening one. Time is of the essence. The victim should be laid on his back, preferably on a cot, under the supervision of a nurse or teacher. If breathing stops, artificial respiration should be administered and body temperature maintained.

If the school nurse or school physician is present, each should be notified. This action, however, should not defer the calling of an ambulance which should be summoned for transportation and admission of the victim to the nearest hospital as soon as possible.

To delay such action, pending the arrival at school of the parent or guardian might result in postponing essential medical care and thereby jeopardizing recovery.

2. Where a student suspected of using drugs displays such manifestations as lethargy, incoherent speech, disruption of thought processes, alternate laughing and crying, and confusion—evidences of urgent, though not necessarily need for emergency care, he should be escorted to the school's first aid or medical room and be placed under the supervision of a nurse or school physician.

If neither is available, a teacher should be in direct charge. The teacher should provide comfort and reassurance, avoiding rough handling of the victim. A colleague should communicate with the parent or guardian and disposition of the case should be guided accordingly.

Failure to reach the parent or guardian requires that an ambulance be summoned for necessary hospital care.

3. Under no circumstances should internal medication be dispensed or administered to a student by a teacher or nurse. This applies to antidotes as well as medicine.

Administrative procedures

1. The Principal or designated deputy, if the principal is unavailable, should be notified immediately regarding any emergency involving a student in need of help because of drug abuse.

2. If the school nurse and/or school physician is present, each should be notified so that immediate care may be instituted.

3. The school should take immediate steps to inform the parent or guardian of the situation. Where the parent or guardian is unavailable, every effort should be made to contact a relative or friend of the family.

4. In the event that the school is unable to contact the parent or guardian, or relative or friend of the family, then the right of a teacher to act as a parent (in loco parentis) becomes a compelling doctrine to employ in the light of medical or health emergency.

5. Efforts to comunicate with the aforementioned persons and to summon an ambulance by dialing 911 should be delegated to some member of the faculty. Such action should in no way delay the administration of first-aid measures.

6. All cases of emergency related to drug abuse are to be reported in the same manner as other untoward incidents occurring in schools. Reports are to be made to Assistant Superintendent Thomas A. Van Sant, Office of Deputy Chancellor.

PROCEDURE FOR REFERRAL

Referral procedures vary from district to district. However, a definite referral procedure must exist in every school in the city. The specific procedure for each school should be described in writing and be available in the office of the appropriate superintendent.

The 1971 New York State Legislature passed a law that protects teachers and other school officials from financial liability for reporting to parents and other school officials, students suspected of narcotic addiction or of being under the influence of a dangerous drug.

1. When a teacher is concerned about a student whom he thinks may be a user of drugs or an abuser of chemical substances, he should refer the case to the staff drug education specialist designated by the principal. The staff specialist may seek additional information and guidance from among the following: Guidance Counselor, Health Counselor, Attendance Teacher, Assistant Principal (Health and Physical Education), Clinician of the Bureau of Child Guidance, School Doctor or Supervising Physician, School Nurse, Representative from the State Narcotics Addiction Control Commission, Representative from the Addiction Services Agency, Community Resources, or Police Department, Youth Aid Division, 982–1120.

2. When a student is a known or suspected user, the staff specialist should contact the parents immediately and request permission for a medical examination.

In cases where the student has been identified as a narcotic addict the appropriate reporting form must be completed and returned to the Narcotics Registry of the Department of Health.

3. If an ambulance is necessary because of the condition of the student, the supervisor may summon one. Under such circumstances, the police will respond.

4. If and when a student returns to school, the staff specialist will continue to follow up and furnish the school supervisor with reports and recommendations for each student on a weekly basis. This on-going program of assistance will include continued and regular contacts with parents.

5. If there is reason to believe that drugs are being sold in or near the school, call your local police precinct or the Police Department Narcotics Bureau at 344–9430.

RESOURCES FOR REFERRAL

Addiction Services Agency (ASA)

A program of prevention and rehabilitation: General Information 226–6900 or Emergency Service 787–7900.

The following facilities are available from addiction services agencies: Youth Center—works with youngsters who are experimenting with drugs or with those who have a potential to become involved with drugs. Community Orientation Centers—first step in the ASA program, a pre-induction center designed to make the addict face reality; to realize that he has a problem and that it is one he can do something about. Ambulatory Treatment Unit—intensive, out-patient treatment which requires the addict's attendance, eight hours a day, five days a week. Residences (Phoenix House)—a 24 hour residential, therapeutic community.

New York Narcotics Addiction Control Commission—New York City

Bronx: 1363 Jerome Avenue, Phone: 588–4964.
Brooklyn: 531 Easter Parkway, Phone: 493–6370.
Jamaica and Staten Island: 89–08 Sutphin Boulevard, Phone: 739–1130.
Lower East Side: 180 Avenue B, Phone: 673–3770.
West Side: 507 Columbus Avenue, Phone: 799–6940.
Central Harlem: 25 West 125th Street, Phone: 534–2400.
East Harlem: 2127 Third Avenue, Phone: 427–6868.

Department of Health

Phone: 966–6308.

Board of Education

Office of Special Education and Pupil Personnel Services—596–8928.

Bureau for Health and Physical Education—582–3005.

SPARK—School Prevention of Addiction Through Rehabilitation and Knowledge—596–4195.

GUIDELINES FOR DEALING WITH CASES OF DRUG ABUSE IN THE SCHOOL

The City Board of Education has established as a matter of policy that all school officials shall cooperate fully with all public agencies dealing with the problem of Drug Abuse, including the Department of Health and Law Enforcement Agencies.

Therefore, each head of school is directed as follows:

1. Employees of the Board of Education who have knowledge of or give care to an individual diagnosed as being a narcotic addict as defined by Section 11.03 of the Health Code (Habitual and Compulsive Use of a Narcotic Drug), are required by law to report such diagnosis to the Health Department within 24 hours. The identification of such students may take the following form:

a. The school has received a report from a qualified medical authority that this pupil has been diagnosed as an addict.

b. The student has stated to a school employee that he or she is a habitual user of a narcotic drug. The Health Code identifies a narcotic drug as Opium and its derivatives, Cocoa Leaves, and Marijuana.

c. The student has been identified as a habitual user of a narcotic drug by observation of physical symptoms and behavior by a staff member who has completed a training program regarding sensitivity to drug abuse.

A copy of the reporting form is attached and copies are available from the Narcotics Registry at the Department of Health, 125 Worth Street, New York 10013. Because of the devastating effect of narcotics addiction on our school age population and the contagious nature of this illness it is essential that the Department of Health have accurate information for the purpose of medical research and the planning of prevention and treatment programs. These reports are to be used exclusively for statistical report and medical intelligence. Section 1107 of the Health Code provides for the confidentiality of these reports and that they shall not be subject to subpoena or inspection by persons other than authorized personnel of the Department of Health.

2. The appropriate suspension procedures should be followed immediately upon detection on the part of school authorities that a student is in possession of or has been attempting to sell narcotic drugs.

3. The principal of the school shall furnish to the Police Department or other law enforcement agencies all information relating to crimes involving narcotics which are committed on school premises. The principal shall also offer such other assistance as may be required for the prosecution of such crimes.

In keeping with the policy of the City Board of Education, I expect full compliance from each school and each community superintendent with the directives stated above.

Very truly yours,

HARVEY B. SCRIBNER,
Chancellor.

Mr. PHILLIPS. That is the policy statement of the board of education.

You talk about it cries out for massive effort and you have told us nothing about massive effort. That statement looks like there is no crisis at all, that you are waiting for law enforcement and coordination from some other people. You do not say what the "aforementioned objectives" are. This is a statement which you keep referring to as a policy statement as of October 7, 1971.

Now, almost a year has gone by and there is still no program; you are still shooting from the hip. It is not a very flattering picture.

Dr. SCRIBNER. That is a circular on how to handle the situation. That has nothing to do with programs. We have mounted programs. I thought you had copies of the programs.

Mr. PHILLIPS. I have copies of the program; I have the criticisms here.

Dr. **Scribner.** That is a favorable report.

Mr. **Phillips.** Are you aware, Dr. Scribner, there is another report by Comptroller Beame in relation to the school situation?

Dr. **Scribner.** Yes.

Mr. **Phillips.** Have you read the report?

Dr. **Scribner.** Yes, I have.

Mr. **Phillips.** We are advised by Comptroller Beame that——

Dr. **Scribner.** Are you talking about the attendance report?

Mr. **Phillips.** I am talking about the "New York City School System and Drug Addiction."

Dr. **Scribner.** That report I saw for the first time when you had the hearing in New York the other day. He made some dozen or so recommendations at the bottom of it.

Mr. **Phillips.** He has a number of findings, a number of recommendations.

You say you had not seen that before?

Dr. **Scribner.** It was not registered with me, no.

Mr. **Phillips.** The date is July 1971.

Dr. **Scribner.** Yes.

Mr. **Phillips.** Almost a year ago.

Dr. **Scribner.** I talked to him about his attendance report, but that is one I had not seen.

Mr. **Phillips.** I may be mistaken about which report Mr. Beame was commenting about, but Mr. Beame advised us that the board of education had one response to this particular report, and the board of education called Mr. Beame's report "political." I think that is a quote.

Dr. **Scribner.** Mr. Phillips, I would like to make my point. You are now talking about something else. Would you let me quote what I said to Mr. Beame?

I talked to him personally and said:

"I thought you had some merit"—this is the attendance report—"to the attendance report."

If attendance is bad in business we, somehow, let the customers or the people share in the benefits of improving that business. I was trying to find some way to package with them the constraints of all of the law. We talked about it many times, a deal to a school, but if you can lift your attendance 10 percent, 15 percent, that we will give half of the credits which we get from the State for that attendance to your school for programs.

But I have not been able to come up with that yet.

I cannot seem to find an answer to it.

Mr. **Phillips.** My point is more than that. My point is, again: If you want to talk about it being "political," I think Mr. Curran is a Republican, Mr. Beame is a Democrat. Both reports reflect very, very badly on the schools and the school administration.

It occurs to me you have not had the opportunity to read these reports.

Now, I do not know how this could not come to your attention. I read about these reports in the newspapers.

Dr. **Scribner.** I read about the attendance report of Mr. Beame's as I told you.

Mr. **Phillips.** I have no other questions.

Mr. **Rangel.** Chancellor, has there come a time since you have been chancellor that the heads of the various agencies connected with drug abuse have had any meeting—the police commissioner or the commissioner of narcotic drug addiction, perhaps the department of health—where all of the parties of the city of New York could sit down and see how they can dovetail their programs, even if that in fact meant a different proposal?

Dr. **Scribner.** The mayor has a council that meets with him monthly. You do not want that?

Mr. **Rangel.** I know; you are not talking about the Mayor's narcotics control council?

Dr. **Scribner.** Yes. All of the agencies are there.

Mr. **Rangel.** That is not exactly what I am talking about. That is Howard Samuels and offtrack betting and——

Dr. **Scribner.** He is present at those meetings many times.

Mr. **Rangel.** And the commissioner of corrections and the police commissioner. I have attended some of those.

What I was talking about is when we find a child in the public school system—and this is where he is supposed to be spending most of his awake hours, obviously, all of the problems and socioeconomic conditions that make him disruptive, whether related to drugs or not, cannot be laid at the feet of the teacher who is there for an 8-hour day. On the other hand, when we had testimony here that over the years there has been no reporting or there has been a philosophical approach or the doctors do not believe they should report addicts, or the department of health does not believe they should have doctors in the schools over a certain period of time, or the nurses come from public health service and, therefore, have no relationship at all with the department of health, and we get to drug programs which we recognize are in pretty bad shape, whether you are a kid or an adult, in these communities—all of them are really screaming and searching for answers. Yet, when I look and see where you are referring them to, I doubt whether you have a place to refer them, if, in fact, the teachers did do what they were legally and, in my opinion, morally responsible for.

My question is: Rather than the mayor's broad council being used, what about those services that actually relate to that child and the drug problem getting together and finding out the extent of the cooperation, even including the United Federation of Teachers on some items, that may not, in fact, be necessary for the chancellor's leadership?

Dr. **Scribner.** I would subscribe to that wholeheartedly.

Mr. **Rangel.** Because I think here you have a very receptive ear in the U.S. Congress. Those who have been hit are certainly going to respond. Those who have not been hit are certainly frightened to death.

They are expecting leadership from New York. Certainly, the chairman of this committee has lauded the efforts made by the State of New York in connection with the addiction problem.

I am hoping, perhaps we can find that same type of leadership, using the expertise we have in the city, as relates to our school drug addiction problem.

Dr. **Scribner.** I think it is a worthwhile suggestion.

Mr. **Rangel.** Thank you.

Chairman **Pepper.** Any other questions?

Mr. **Keating.** I would like to ask a few questions, if I might. The financial aid that you receive, is that based on the number of students?

Dr. **Scribner.** Financial aid from the State, yes.

Mr. **Keating.** I submit that maybe some action might be developed within the school system if the aid were based on attendance of students.

Dr. **Scribner.** It is based on attendance.

Mr. **Keating.** Is that why, then, the reports are not kept throughout the day, as opposed to just taking them at the homeroom?

Comptroller Beame stated that the attendance is pretty bad and some people who are marked as being in attendance do not really go to class and some just go to homeroom.

I am just wondering if we could not see to it that attendance records are tighened up, and maybe that might get the schools to do something.

Dr. **Scribner.** Yes. I know what their criticism is. That is, they came to homeroom, got their attendance taken, and then did not show up for classes. We have to tighten up on that. And, of course, the State audit approach to attendance keeping, and we have their recommendations, too.

Mr. **Keating.** It just seems to me it cannot be all that complicated, that we have to have this person's recommendations and that person's recommendations. That with all of the people that are employed within the school system, we can't do something for ourselves and get the job done on attendance and on the drugs. I don't understand that. There seems to me there must be some capability within that vast army of people to determine how they are going to take attendance even if it is at every class until you get the job done.

Dr. **Scribner.** The attendance taking, I am not acquainted with the mechanics.

Mr. **Keating.** Since it is such a major problem, or appears to be from the reports that were given this committee, I do not understand why you would not be familiar with it. You are head of the whole thing.

Dr. **Scribner.** Well, let me say this, in this direction: I am not aware that the State which funds out programs is aware of all of these serious problems with our attendance-taking procedures; these are made by other people who come in and make reports and float them, some of them are positive, and I am not trying to turn them off. What I am trying to say to you is that I do not think you can assume from that, that all of the comments made there indicate that something is wrong.

Mr. **Keating.** Have you checked it to find out whether or not there is something wrong?

Dr. **Scribner.** I have a staff member that I trust has made that check and I would ask him.

Mr. **Keating.** Has he made the check to find out if they are accurate or not?

Dr. **Lester.** Dr. Scribner mentioned a little while ago that he has been concerned about this program of "roamers and cutters," young people who appear in the morning in the homeroom and then do not go to class.

The attendance is recorded in the homeroom. But the attendance is also recorded in each subject class, and that is how we identify who the cutters are. Because when the youngster is not listed on an absentee list—and we are talking about the high schools now—that is generated from the homeroom roll book—then, the subject teacher finding him absent from that class reports him as a cutter.

The attendance records are kept. We do have the problem, and we have been seeking to address ourselves to it.

Dr. Scribner described alternative programs we are trying to develop with these young people. We do have the problem of getting them back into those classes.

Mr. PHILLIPS. May I interrupt? Are you familiar with Comptroller Beame's report on attendance?

Dr. LESTER. Yes.

Mr. PHILLIPS. Do you agree or disagree?

Dr. LESTER. That attendance is bad? Yes.

Mr. PHILLIPS. He says specifically that attendance is not being checked in the schools. When he tried to check it in a number of schools with his auditors, he was not given the registers nor the number of people in the school and got no cooperation from school officials involved.

Dr. LESTER. I did not see that portion of it.

Mr. PHILLIPS. You did not see that report?

Dr. LESTER. I did not see the report. I saw a summary of the figures.

Mr. PHILLIPS. You did not see that either.

Mr. KEATING. Your statement seems to be in conflict with some of the contents in that report. I think that is what Mr. Phillips is pointing out.

I really think that with the emphasis placed on the grants, the emphasis placed on funding, that probably the way to get the job done, if it be based on per capita, is, it seems to me, some recommendation ought to be made, maybe from this committee, that unless actual attendance records are kept, unless students actually attend the classes, that they ought to receive the money on a per capita base, that they ought to be reduced that much in their allocation when they apply for money.

I think that would get the job done. If the basic human concern of the student attending the class is not met on that basis alone, which, in my judgment, it should be, maybe we can do it in a material way that might cause the enforcement to take place. This might get the student out of the hall. It might help the crime element to be taken care of. And what you are really doing, as I see it based on the testimony that we have accumulated over a period of time, is letting this thing go because of other things taking a higher priority of your time. We are going to end up with police officers in every corridor and every laboratory. It is not necessary if we could only get the leadership that is required to really take the bull by the horns, come to grips with the problem, and go back to the fundamental of attendance, of teacher concern for individual pupils and really meet it that way.

You know, everybody needs money. There is not enough of it, but every time a problem arises, we do not also need an expert in that field to get the job done either; we really do not. If somebody can just extend his concern a little bit more, I think he can get it done.

Let me get back to the original question asked: Did each of you gentlemen at the table read the Curran report? May I ask that question?

Dr. SCRIBNER. I have already stated that I am not clear on the Curran report. I have certainly read it, but if you asked me about the specifics of it today, I would not be able to be that clear.

Mr. KEATING. Is that true of the other gentleman?

Mr. WILLIAMS. That is correct.

Dr. ANKER. Yes; I read the report.

Mr. KEATING. OK. It just seems to me that we spend an awful lot of money on study commissions in this field and that field, and if we, instead of spending 6 months or a year in waiting for a report to come out, why, a lot of them are just commonsense answers; it is just the application of the individual and getting the principal to do his job and the teacher to do his job, and if they are not going to do their jobs, there is someone else to do it, especially when there is a surplus of teachers and a surplus of people available for a job in almost any field.

Let me get back and away from the statements and ask some questions. Is it your feeling that the teachers are doing their jobs and reporting the violations that they observe?

Dr. SCRIBNER. It is my feeling that we are getting the reports from the narcotics register that we have been talking about. We are trying to differentiate that now as separate from the reports of those youngsters who have been served in the schools. We got about 49,000 reports on that. That is an indication they are trying to do a job on that one. It is the narcotics register where the names are submitted to the department of health in which we have the difficulty.

Mr. KEATING. You have got 49,000 reports?

Dr. SCRIBNER. About 49,000 cases.

Mr. KEATING. Is that 49,000 individual students?

Dr. ANKER. That is right.

Dr. SCRIBNER. That is right.

Mr. KEATING. In that 49,000, is there any duplication?

Dr. SCRIBNER. I would assume not in that, but on the other hand, I would not make a definite statement there is not some duplication.

Mr. KEATING. What kind of drugs? Is this heroin or a full range of drugs we have, the 49,000 cases?

Dr. SCRIBNER. It ranges all the way from soft drugs to hard drugs.

Mr. KEATING. Which would appear to be maybe 45 percent of your student enrollment; is that correct?

Dr. SCRIBNER. No; that is a very small percentage. We have 1.13 million.

Dr. LESTER. About 5 percent.

Mr. KEATING. I withdraw that. I was thinking of 110,000 teachers, and that is where I got the figure. You have 49,000.

Is there any school that has reported overwhelmingly more than any other school?

Dr. LESTER. Yes. We do not have it here by schools. We have it summarized by boroughs. But it will vary among schools.

Mr. KEATING. I am sorry. I did not understand.

Dr. LESTER. I do not have the breakdown here school by school. But it will vary from school to school.

Mr. KEATING. I am just wondering if there has been any appraisal to see if one school is doing a better job over another school; or any analysis has been made like that to see if the principals are doing a good job and if the teachers in that school are being motivated by their leader, the principal, to do a better job.

You know, if it is going on down the line and might be a model school, that they could come in and say, "Hey, we are successful, why don't you do that in the other schools, because we have this degree of success?"

Is anyone doing that or working on something like that?

Dr. SCRIBNER. Last August, as a matter of fact, I rejected the evaluations made on the high school principals, and I said that I cannot believe in terms of what I see in New York City—and I said it to the staff member who sits at my left—I cannot believe in terms of what I see in New York City, that we are getting an honest appraisal of the leadership of the high school staff. I called for, and expect to receive on July 15, a completely different appraisal on what is going on in the leadership capacity of the high schools.

Mr. KEATING. What was wrong with that original appraisal?

Dr. SCRIBNER. There were 92 principals, and 91 of them were "excellent."

Mr. KEATING. We do not even have that.

Dr. SCRIBNER. Dr. Lester corrects me; he says "satisfactory," not "excellent."

Mr. KEATING. I just made the comment, I am not sure our percentage is that high in the Congress, or I am not sure as to any profession.

Dr. SCRIBNER. Obviously, that was my feeling.

Mr. KEATING. So, you are asking for a more critical appraisal to determine where deficiencies lie in certain schools?

Dr. SCRIBNER. And to give you an example of the difficulties we have with that immediately, there is a group that has been organized that claims I have been headhunting. I think I am really attempting to find out who the leadership is out there and holding it accountable for the job to be done. The leadership has much to say for it. In New York City they have a practice of sending out the numbers of staff they may employ. I would like to go in a different direction and say to a principal:

> These are the number of dollars you may have: translate it from the staff needs and let them mount some programs and hire the people they seem to think they need to be held accountable.

Mr. KEATING. You know, everyone needs to be needled occasionally—I said "occasionally." We must face our constituency every 2 years. You have to face your board. It seems to me that whether headhunting or not, you are doing your job, and if it is a tough job, you have to be tough as its leader. I can't think of anything more difficult, quite frankly, than being head of the New York City school system, with the problems you have.

Dr. SCRIBNER. My experience tells me when you get a good leader, you get a good school.

Mr. KEATING. I believe that. I think that is true in any field. But he is also tough and firm and fair, and I think you just have to be that way.

It is like running an army. You have 110,000 people.

Dr. SCRIBNER. That is the list.

Mr. KEATING. Is that all teachers?

Dr. SCRIBNER. Not only teachers, that is, 110,000 on the staff.

Mr. **Keating.** All right.

Mr. Brasco, I will be happy to yield to you.

Mr. **Brasco.** Dr. Scribner, what really disturbs me is I find it incomprehensible that no one has read the Beame report—or at least able to discuss some of the criticisms or suggestions in the report, or the Curran report for that matter.

With that in mind, I wonder whether or not what we are really talking about, Dr. Scribner, is a philosophical difference; namely, I am aware of the fact there are a number of educators that feel that the alternative school system violates constitutional rights by taking student addicts out of the school population and putting them in a separate school system, notwithstanding how adequate that separate school system is.

I find also in the world of academics, that putting police officers in a school is less than the proper thing to do.

District Attorney Roberts said the reason why the board of education refuses to take the 502 commitment route is because they consider that involuntary commitment is a violation of constitutional rights. Are a small group of educators resisting these things, based on their concept of whether it is a constitutional protection or not.

Do you perceive that to be the problem?

Dr. **Scribner.** There are many people involved in the New York City problem, many of them who perceive it as an individual right.

On the other hand, I believe there is a serious question, sufficient to permit us to take some steps we might not be able to take if we did not have this particular situation.

Mr. **Brasco.** It is sad we have to wait for it to be this serious before we get involved.

I've listened to teachers also, and I do not think the issues of confidentiality and rapport have to reduce the teacher to the level of the student in language and concept.

In any event, as far as I am concerned, we are not just going to forget about it; we are going to be following up because this is something that has got to be attended to. I hope your figures are true, because our figures are much higher as to how many students are addicted or drug abusers. But if your figures are true—and I really hope they are—we are talking about 5 percent of the school population. Well, we had better start doing something about that 5 percent.

I cannot comprehend that we would allow 5 percent of any school population to cause so much disruption and allow it to go unattended.

In any event, is there any policy of the board of education or yourself with respect to a schoolteacher who is arrested for selling or using drugs?

Very simply: Do you allow them to stay in school until the case is disposed of one way or the other?

Dr. **Scribner.** I believe the teacher in that instance would be suspended with salary until such time as the case came up.

Mr. **Brasco.** Suppose the teacher is convicted, do they keep the salary?

Dr. **Scribner.** No.

Mr. **Brasco.** You said they are suspended with salary until the case is disposed of.

So, if the teacher is convicted and he draws a salary, he would keep it unless he was forced to give it back?

Dr. **Scribner.** I have to study each case separately.

Mr. **Brasco.** Being an attorney, it is not too uncommon to find a case may be dismissed without ever deciding the merits of the case, in terms of whether the teacher was in possession of drugs or whether or not the teacher was selling drugs. This may happen by virtue of a court ruling that this was an illegal search and seizure, and the evidence is supressed; therefore, the case is dismissed; would that teacher go right back to teaching?

Dr. **Scribner.** I think that I could not state that she would go back or not go back. I think these are handled on their individual merits and a lot of input would come from the department of personnel.

Mr. **Brasco.** Would personnel mandate that that teacher take an examination to ascertain if they are using drugs?

Dr. **Scribner.** Yes, certainly.

Mr. **Brasco.** And if they are using drugs?

Dr. **Scribner.** We would have a teacher take a physical, definitely. That and a mental examination, too.

Mr. **Brasco.** Suppose it was ascertained they were using drugs, would they then be permitted to continue to teach?

Dr. **Scribner.** No. No one is permitted to work that close to children who has drug habits.

Mr. **Brasco.** This is another area of conflict, and I am trying to test it out.

The police officer who testified spoke at some length about this kind of situation.

Mr. **Rangel.** Marihuana pushers?

Mr. **Brasco.** Any kind of a pusher; anyone selling drugs.

That was in the Curran report, too.

Mr. **Rangel.** The Curran report indicated many teachers have been acquitted or convicted of selling marihuana, in substantial numbers, and still remained in their teaching position. Is there any controversy on that?

Mr. **Williams.** There are not any such cases we are aware of. I must tell you they are handled on an individual basis. If we are talking about a case where a teacher prior to teaching had a past history——

Mr. **Rangel.** No. We are talking about those who, while they were on the staff, were arrested for selling marihuana.

Mr. **Williams.** No. Such a teacher, depending upon the status the teacher has, first of all is immediately removed. If a substitute teacher, the services are terminated. If it is a teacher who has tenure, certain due process things come into play. Remove the teacher from the classroom immediately pending whatever disposition there is. We are aware of the fact there are sometimes a procedural dismissal, which we look at.

Mr. **Brasco.** There are several questions and very serious ones raised, in my opinion, by the Curran report and the Beame report. Could any of you gentlemen take it upon yourselves to study these reports and respond to these suggestions or criticisms, so that we could have it for the record?

And, specifically, the one that talks about 41 teachers being convicted of either possession or sales of marihuana.

And, if I remember correctly, Charlie, they went back to teaching.

Mr. RANGEL. Right.

Mr. BRASCO. We would like to——

Mr. RANGEL. Send you some testimony from the department of health for you to study. This is why I am suggesting that those who have different responsibilities—we know how crazy the New York system is sometimes, but, still, when we are talking about the child. I think we are all looking to see what resources are available. It may be the testimony we received from the New York City policemen that they would be reluctant to turn this information over to the board of education, because you would laugh them out of your administrative proceeding. And even if it is not so, serious allegations have been made by a duly appointed State commissioner. So that, if we could take the Curran report and take the Beame statement and take some of the testimony we have heard here and just come together on it, perhaps we can start moving toward what we all want.

Mr. BRASCO. Mr. Silverman said, in a conversation with the principal at Franklin K. Lane, that the principal had not reported incidences of violence in his school. And that this report was on his desk for several weeks. And that one of the reasons why he failed to report this was that there was a possibility that his superior—and I believe that is the board of education and yourself—would not welcome the report if it were unfavorable.

I am wondering whether or not you can respond to that case specifically, and in general as to whether or not incidents of violence are being reported from the various schools as they should?

Dr. SCRIBNER. Untoward incidents? Let me see if I can explain. They are supposed to be reported directly, the same way. They are telephoned in, and a confirmation is made on them. I guess that list is mailed each night. I would not notice the absence of a particular school, but I am disturbed if the principal did withhold those, because he is supposed to report them every day. I would suggest this has to be a part of the evaluation process that takes place on our leadership.

I would like to say, furthermore, that we found out recently when the president of the board wrote to the 92 high school principals to break down the untoward incidents that happened in their schools from September to April, that there were many of them that said they were now reporting some they had not earlier reported. This is what gives me a hard time on this whole number's concept. Where are we? When we get in a jam, we have something brought out from the lower drawer that we do not know about.

Mr. BRASCO. The school chancellor directs that the reports be made and they still refuse to report them?

Dr. SCRIBNER. This is exactly what I am telling you.

Mr. BRASCO. That the principals refuse to do it?

Dr. SCRIBNER. I have to say they qualified these, some of them, that they did not consider them worthy of reporting, but, nonetheless, this is the report I get back, yes.

Mr. RANGEL. Chancellor, when it comes time to negotiate a contract, is it at this time you have a chance, as an employer, to review some of the things which your professional staff had thought were discretionary and you thought were mandates?

Dr. **Scribner.** Absolutely.

Mr. **Rangel.** In terms of "accountability," which is a word we use a lot in the community, can you raise these issues or are they raised in the contract with the United Federation of Teachers?

Dr. **Scribner.** Oh, yes. I do not think there is any question about our being able to raise them; we raise them not as separate issues, but we raise the whole prospect of failure to comply with policy. It might be drugs one day; something else the next.

Mr. **Rangel.** When you raise these issues of what you expect from the professional staff, are they refuted by UFT?

Dr. **Scribner.** I have not sat through the negotiations yet. This is the CSA, too. We are talking about principals and supervisors.

Mr. **Rangel.** I am talking about them as well.

Can anyone at the table who has sat through these negotiations explain how this happened?

The public health director of the city of New York says that she has absolutely no way to get any reports from her doctors.

Dr. **Scribner.** But anything we should have at this particular hour when we now are sitting at the table in negotiations, I would like to have that. Not only for negotiations but followup, as Congressman Brasco says.

Mr. **Rangel.** I was not talking in specifics as Congressman Brasco was. What I was talking about was that there was a general feeling that for professional reasons, notwithstanding the law and notwithstanding your directives, these things still have to be worked out because of professional attitudes; is that correct?

Dr. **Scribner.** Attitudes and responsibility; yes.

Mr. **Rangel.** I am not taking issue with that, with the attitudes. What I am asking: Do you believe that this is a proper subject to bring up at collective bargaining; that is, just what discretion do professional employees have as relates to your mandates, as relates to the law?

Dr. **Scribner.** I think it is part of that. On the other hand, I do not want to opt out and say that I have no right other than professional bargaining. We have from the negotiations the right to press charges. But you must understand in New York City that the notion of pressing charges against principals has been almost nonexistent. They have been transferred from school to school, and we are in a bind on the whole procedure of the right of the individual. We talk about youngsters being protected. We are also talking now about the rights of staff. I can name you a principal on probation, taken out of his position a year ago, still has not been resolved at this time.

Mr. **Rangel.** Because of the due-process procedure?

Dr. **Scribner.** That is right.

Mr. **Rangel.** This is a part of the contractual——

Dr. **Scribner.** The procedures are part of the negotiations; yes.

Mr. **Rangel.** Why would it be so drawn out?

I know of some instances, myself.

Dr. **Scribner.** Well, in this particular instance, we would be ready for a hearing and there would be reasons why one party or another couldn't show. It bounced back and forth in this particular direction. We had a hearing, and the hearing officer disagreed with the findings at the hearing. That is how difficult that is. This case went to court.

We had some difference of opinion along the way, and it has been a long process. I believe—I will have to let the staff correct me—that this might be the second principal fired in New York City in a long period of time.

I thought I would mention it to this committee, because I think you have to understand the situation in which we are working.

Mr. Rangel. I might suggest, as I did earlier, that perhaps if we can get some political clout, get the UFT involved in some of these operations, that management would want in a cooperative area to assist us in supporting that type of legislation.

Chairman Pepper. Mr. Winn.

Mr. Winn. Thank you, Mr. Chairman.

I do not happen to represent New York, but I can tell you, gentlemen, as a former school board member, I am very disappointed in some of the statements and answers that I have heard here today from you gentlemen.

First, it seems that we ask about the Beame report and you are a little vague on that.

Dr. Scribner. Could I have a 5-minute recess?

(A brief recess was taken.)

Chairman Pepper. Shall we resume now?

Mr. Winn. I was referring to some experiences that I have had as a school board member, and it just amazes me that when members of the committee have asked you about the Beame report, you seem to be very vague about which Beame report we are talking about. They ask you if you know how much Federal aid or Federal programing was given to the school system for drug programs, and you did not seem to know about that. They asked you about the Curran report and you seemed to know about parts of that. The gentleman from Ohio just asked you which schools are the best or which schools are the worst, according to your reports, and you do not seem to have a knowledge of that.

Mr. Brasco asked you a question about the teachers and what would happen if the teachers were arrested for selling or using drugs, and you said that you believed that the teacher would be suspended.

For the life of me, I just cannot see—I do not know exactly what your job entails, but I do not know why, when there has been so much publicity about the drug problems in the schools, Doctor, you would not be on top of every one of these questions that were asked of you. You, yourself, not your staff. Your staff certainly should be, too, but you are the head of the thing. You should have the knowledge of these problems.

Let me back up a little bit. The two big problems that have been pointed out in the Curran report and the Beame report were the drug problem and absenteeism. But you seemed to be very vague in answering questions that the members of the committee have asked you. I just cannot understand that.

Don't you have any meetings with those gentlemen seated around you or the ones behind you, to discuss absenteeism and to discuss the drug problems in your schools? Don't you have any meetings with your staff?

Dr. Scribner. Both problems have been discussed with members of the staff.

Mr. Winn. They have been?

Dr. Scribner. Right.

Mr. Winn. And these are the two big problems facing you, at least as far as what we believe are your two big problems right now, and according to these reports. Are you so busy, as Mrs. Shapiro told us she was and her board was at the time structuring and restructuring and working on, as you called it, packaging new programs, that you cannot face the gut issues of this thing?

Dr. Scribner. I think I face them. I do not have the specific answers, but I have a note here now that says "20 of Beame's 24 recommendations have been implemented." I did not know this.

Mr. Winn. But you do not know it, as the head. That is my point.

Dr. Scribner. Sir, I have to remind you that I am sitting at the head of the largest school system in the world. I have been a superintendent of schools for 30 years. I knew when I was in the other schools what was going on. But this is a different ballgame we are playing in New York City. The day-to-day calendar requirements, appointments alone, will stagger anybody. You can't meet them.

Mr. Winn. I would say that day-to-day calendar appointments ought to be set aside, I do not care who they are, until you get a program set up there.

You had a statement that we read a little while ago, called a policy statement. I think it is about the weakest policy statement of a school board I have ever heard in my life.

Can someone furnish to me or the committee any directives, directives to the principals, directives to the teachers, directives to the nurses, directives to anybody?

Dr. Scribner. Directives, as it relates to the issue we are discussing today, is in that circular 10. (For circular 10, see p. 391.)

Mr. Winn. Not the circular that I heard read here a little while ago by the counsel.

Are there directives in there?

Is there anything that tells the principal exactly what he is supposed to do?

Dr. Scribner. It says the principal of the school shall push—it is a lengthy circular.

Mr. Winn. Right.

Dr. Scribner. I do not know what particular aspects of this you want to know.

Mr. Winn. Have you specified to the principals exactly what they are supposed to do in the case of drug addiction, discovery of drug usages, monitor systems in the restrooms, law enforcement officers on the premises of the schools? Do you tell them what to do?

Because our other witnesses, Monday and Tuesday of last week, certainly did not show that they knew what their directives were, what their orders were.

Dr. Scribner. I think the circular speaks to these issues. You mention restrooms, for instance, as separate from the policy for the building. No, that is why I hesitated to say it takes care of it. It does not take care of those specific areas.

Mr. Winn. I am going a little far. I might come under the prerogative, and probably so, of the principal. But the policy statement, that policy statement, could have been picked out of probably many of your newspaper articles about what a great problem and a great concern and everything. There is no guts to that. I am talking about the actual nitty-gritty of dealing with the problems of the fellows in the school, the fellows on the school grounds.

Dr. **Scribner.** The circular directs the principal to furnish the evidence to the police department. It does not put the penalty in here.

Now, as you perhaps know, or do not know, in New York State we are currently working on a policy of conduct and the penalties for the failure to live up to that policy of conduct.

Mr. **Winn.** All right. Let me stop you right there.

If the principals are supposed to report to the police, they do not report to you in any way?

Isn't there some requirement in there—I do not have it in front of me——

Dr. **Scribner.** It really states: "The principal of the school shall furnish to the police department or other law enforcement agencies all information relating to crimes involving narcotics which are committed on school premises." It does not say he has to report that to me.

Mr. **Winn.** In other words, they do not report to you?

Dr. **Scribner.** That is right.

Mr. **Rangel.** Congressman, I have read this. They are pretty exact. The problem which we have had with other directives in enforcement. I think this is a pretty concise thing, but I suppose if we were to ask you, Chancellor, or anyone else in a supervisory capacity, as to the number of cases where this directive had been carried out, the answer we would get would be "We have no way of knowing."

Dr. **Scribner.** No. No; we are assuming now accountability. It possibly does not exist, but supposedly the principal is following this. The only time when we know he is not is when somebody raises an issue to us from another angle and we investigate it.

Mr. **Rangel.** I hate to interrupt, but I think what the Congressman is saying is that in asking people that have the responsibility as to what the situation is in a particular school or group of schools, we would like to believe that with this concise mandate we would have some type of records to say in a given fiscal year: "This is the number of students that we found were addicted to drugs; this is the number that we referred; that is the number that we called the police on; this is what was referred to the police department."

So that when we try to find out what the situation is in the city of New York, we have something to work with.

Dr. **Scribner.** I do not think we have presented what we do have well enough.

I am perfectly willing to stay on and do that, because we have people here who can speak very well as to programs:

Julia Richman High School, total number seen on individual basis this past term, 184. This is on drugs now.

Drug coordinator. Type of problem, where he learned them, kinds of conferences held, and, finally, where they were referred and what they were referred for. He goes right down from Phoenix House to Rockefeller Adolescent Development Center, Exodus, and just picking out the different ones as I go down. Family physician, Daytop. He not only tells the fact he referred them but he also indicates how many did not show up, on the other hand. They were checked to find out whether or not they went to that referral and he finally left for what purposes.

Mr. RANGEL. Does this find its way into some types of annual report, so someone could find out just what the drug situation is in the city of New York?

Dr. SCRIBNER. This is the first year we have had it, and this will be compiled during the summer. These are just coming in now.

Mr. WINN. Let me follow that up. That is fine. That is a fine report. That is exactly what I think the members of this committee would like to see.

Dr. SCRIBNER. That is for every high school, by the way.

Mr. WINN. I am aware, at least based on testimony from other individuals, that other schools have not been reporting at all. I am just reading from your special circular No. 10. Just before your signature it says:

"The principal of the school shall furnish to the police department or other law enforcement"—the same paragraph you read to me a minute ago—"all information relating to crimes and involving narcotics," and so on, and so on, and so on.

Do you have any kind of a list of how many of the principals gave a list to the police department? How many individuals they sent to the police department?

Dr. SCRIBNER. When the principal makes his referral to the police department he files what he calls an "untoward incident," and on that he lists what he did in this particular instance. We have that, and it could be compiled. I do not have that compiled as neatly as I do here.

Mr. WINN. You mean the principal, if he sends him to a private physician, for instances, that is not sending him to——

Dr. SCRIBNER. I am talking now only about the police department.

Mr. WINN. That is what I am talking about, yes; all right.

Dr. SCRIBNER. That is on the "untoward incident" report. But, then, you see, Congressman, I have to be honest, I think you were all out of the room at the time. It turns out all of these were not reported to central headquarters, due to some reason on the part of the principal.

Mr. WINN. I was here part of the time. And in the last paragraph you said:

> In keeping with the policy of the city's board of education, I expect full compliance from each school and each community superintendent with the directive stated above.

Now, what have you done about the principals that are not reporting?

You can't have a full knowledge of the problems in the New York schools if you do not have a full report from your principals.

Dr. SCRIBNER. I sent a directive with instruction to do a more thorough evaluation of each principal than has been done previously in the school system, and I expect in that particular account to find some mention of these problems that we are discussing here today.

Mr. WINN. Well, then, you do not know how many crimes the principals have reported to the police?

Dr. SCRIBNER. I could dig them out, yes. We have that. They have been reported to us in the case of the police. But I do not know how many were not reported to the police.

Mr. WINN. You do not know how many were not?

Dr. SCRIBNER. That is the issue I do not know.

Mr. WINN. It seems to me we may have to use some of the information in the other two outside reports to help you in discovering some of the statistical material I would think your school system would be very interested in securing.

Dr. Lester, you are in public instruction?

Dr. LESTER. That is correct.

Mr. WINN. You are in charge of these reports.

Dr. LESTER. No; I am not in charge of those reports. I am in charge of the instructional programs of the schools.

Mr. WINN. The instructional programs?

Dr. LESTER. That is correct.

Mr. WINN. It seems to me in the questioning a minute ago—and I may be wrong—you had the answer on the rollcall system.

Dr. LESTER. The procedure.

Mr. WINN. The procedure of a roll system.

When was the last time you checked a school roll system personally to see if the procedure was working?

Dr. LESTER. Three weeks ago.

Mr. WINN. Personally, you did?

Dr. LESTER. I visit schools on a regular basis. Now, I am not in every school every day.

Mr. WINN. No, you can't do that. I am aware of that. But I just wondered, because, again, you were talking about your system of taking the roll, and I think you were trying to make the committee believe that it was working, but at the same time we have other information that it does not work.

Dr. LESTER. I was describing procedure.

Mr. WINN. You were describing procedure only?

Dr. LESTER. In a large school system, sometimes procedure does break down. When we find breakdowns, we take action to correct them.

Mr. WINN. So, that might have been one of the reasons you were there 3 weeks ago, to find out where the procedure might be breaking down?

Dr. LESTER. In this one particular school, yes.

Mr. WINN. And you only went into one school?

Dr. LESTER. No. At that time.

Mr. WINN. All right. We have information in the Curran report of 41 teachers that were arrested for either selling or using narcotics and drugs.

Our information in that same report—and I hope that you all, in some way, can prove it is wrong—showed only one teacher had his license lifted out of 41 that were arrested.

Mr. WILLIAMS. I am going to check the individual cases in that.

Mr. WINN. But you do not know?

Mr. WILLIAMS. I beg your pardon?

Mr. WINN. But you do not know whether that is right or not?

Mr. WILLIAMS. I know the procedures that have been used since I have been in the system.

Mr. BRASCO. If I may, not to interrupt you, except only for the sake of brevity. We went into this before, and we arrived at the same conclusion, and the gentleman at the desk said they would research it and supply the information to the committee.

Mr. Winn. Well, I appreciate that. What I have been trying to say is that every time we ask them a question that I think they should know, they don't have the answers. I agree with the basic remarks my colleague from Ohio made about the job that you gentlemen are being paid to do and that you have to assume a bigger and stronger role in your jobs. That is just an outsider's opinion. I have been pretty religious in my attendance at these meetings and the ones in New York, and somebody in a report that has been circulated—and it is not a hidden report in any way—says 41 arrested and only one had the license lifted. I don't know why you gentlemen do not know that. I don't know why you would even have to research that.

Mr. Williams. Yet me speak to that. I understand the report that was referred to said 41 convicted. Now, these were 41 arrested. There is a procedure that we go through on arrests, whereby we just take the teacher out of the classroom pending the disposition of the case.

We have a report here on the disposition of cases on teachers. Where we're not notified of an arrest on the part of a teacher, the police department notifies either the central board or the community school board of such an arrest. That teacher is then removed from the classroom. If it is a substitute teacher the service is terminated. If not a substitute teacher, we have to wait and go through the procedures of due process.

On conviction, if there is a conviction, it is automatic that the license is then removed, because the teacher is usually removed from the confines of the school also.

Mr. Winn. Let me interrupt you right there, if I may.

Instead of 41 arrested, we are talking about 41 convicted.

All right. Our information shows that the one who did lose the license—I do not know if it was a man or woman—was convicted twice before he lost the license. Here is what I want to find out.

Here is the main point of my whole questioning, gentlemen:

The Curran hearings were in April 1971. And only now Mr. Williams says he is going to look into it. This, to me, is the whole thing. Where have you guys been for over a year?

I don't care who answers it. I would like to have some kind of an answer.

Mr. Williams. I would only say this, Congressman: I am not suggesting that by your raising the question now, that the items were not looked into before. I am saying to you that I do not have with me any results of my having looked into them or of them having been looked into before. I do not have that with me today. Therefore, I cannot respond with respect to what may have been found out with regard to the particular teachers you are referring to.

Mr. Winn. What I am saying, Mr. Williams, is this: If a school board I served under had 41 teachers convicted on drug usage or selling drugs, I would not have to run back to some file somewhere to figure out what went on. I would know it in my own head, I believe. At least, I would be able to come within 1 year's period of time pretty darn close to some statistical information that would have a bearing on what we are talking about.

You gentlemen do not seem to have it, as you haven't in a lot of the other questions.

I do not want to sit here and berate these gentlemen. I sound like

I am. I think you stuck your head in the sand, as somebody said about 4 or 5 hours ago, gentlemen.

I do not think a set of rules like this, Dr. Scribner, is going to do a bit of good if you do not put some power behind it, if you do not crack a few heads.

I do not know about your laws up there in New York, but you have got the worst problem in the world. You have the biggest school system in the world and if yours falls apart, I do not know what is going to happen to the rest of them in the country. Somewhere you had better reverse the trend.

Thank you very much, Mr. Chairman.

Chairman PEPPER. Mr. Nolde?

Mr. NOLDE. Dr. Scribner, can you give us an estimate of approximately how many heroin addicts you have in your schools in New York?

Dr. SCRIBNER. We had 50,000 cases reported, but that was soft and hard drugs. I wonder if I can break it down for you.

The individual reports from the high schools spell out who is on heroin.

Dr. LESTER. I have it citywide.

Dr. SCRIBNER. According to the report of June 1971, that is a year ago, the known addicts would be 701.

Mr. NOLDE. Known heroin addicts?

Dr. SCRIBNER. They are broken down to "suspected users," "occasional users," and "known addicts."

Mr. NOLDE. What are the other figures?

Dr. SCRIBNER. The occasional users were reported as 549. The suspected users were a total of 57,571, making a grand total of 58,821.

Mr. NOLDE. Can you give us a rough estimate of how many drug crimes have been reported to the police on the part of student users?

Dr. SCRIBNER. I can't give you a report on that; no.

Mr. NOLDE. Are you satisfied that your principals are reporting the drug crime to the police as you directed in your circular No. 103.

Dr. SCRIBNER. I see a breakdown on all crimes and as to what the disposition of them was, and many of them were reported to the police. Now, whether or not they are reporting all of them to the police as they should, I cannot answer that.

But I do know what has happened in each one of these crimes that were reported to us.

Mr. NOLDE. In response to Dr. Baden's estimate of 36,500 heroin addicts under the age of 19, how do you evaluate that estimate?

In fact, it was put into one of your borough research reports to the city council?

Dr. SCRIBNER. Of course, that is for the city. The breakdown, it would square fairly well with that report I just read you, I think, except they were in three classifications. If they have made mistakes in any one of these classifications—in other words——

Mr. NOLDE. If you take your 701 known heroin addicts as opposed to 36,000——

Dr. SCRIBNER. You must bear in mind that many of the known heroin addicts for the city would not be in the schools. You can't have a real bad habit and stay in school, unless you are extorting and getting your money from that particular situation.

Mr. **Nolde**. Do you feel your teachers are capable of recognizing a child is on heroin, on pills, or any other drugs?

Dr. **Scribner**. I think I could, but I think others would have great difficulty.

Mr. **Nolde**. How about your school doctors and health personnel; are they equipped to handle the overdose cases that occur?

Dr. **Scribner**. They are licensed people.

Mr. **Nolde**. But are they really capable of dealing with the problem?

Dr. **Scribner**. Well, I can't categorically say they are or are not. I presume some of them are much better at it than others. You know, I don't really know about their competence.

Mr. **Nolde**. Do you have any idea of how many overdose cases you had in the schools in the past year.

Dr. **Scribner**. Could I ask Mr. Jaffe, who handles the drug program, if he can give me an answer on that?

Mr. **Nolde**. Certainly.

Mr. **Jaffe**. No specific cases as to the number of overdose cases. We do know the general ambulance calls to the schools have declined.

Mr. **Phillips**. From what to what?

Mr. **Jaffe**. Percentagewise.

Mr. **Phillips**. What percentage?

Mr. **Jaffe**. We know it is going down, approximately 40 percent. We did say we have it by people in the schools——

Mr. **Phillips**. From what to what did it go down?

Mr. **Jaffe**. I know the percentage in my head; I do not have the figures.

Mr. **Phillips**. I saw the report you are basing that on, and there are no figures in the report.

Mr. **Jaffe**. This is information from my people in the schools who are on top of the ambulance calls to the schools.

Mr. **Nolde**. Do you have any idea how many students in your schools have been arrested for drug crimes?

Dr. **Scribner**. We would have a list of all of those arrests on the untoward incidents, yes; but I do not have a compilation of those.

Mr. **Nolde**. Have you asked the police to report to you the arrests of students for drug crimes?

Dr. **Scribner**. They would be reporting to the schools. The school in turn would report to us on the untoward incidents.

Mr. **Nolde**. Are you satisfied you are getting substantial compliance?

Dr. **Scribner**. I cannot say to you honestly that I am getting substantial compliance. I presume we are not getting substantial compliance.

Mr. **Nolde**. Are you doing anything about it?

Dr. **Scribner**. We are trying all of the time to effect a compliance. As I say, the program is in its first year, and it is not easy to make judgment from central headquarters as to whether or not we are getting compliance on all of these issues.

I am satisfied that we have some good programs going out there, and I wish we could have the time to talk about some of the programs that are going, the manner in which these young people who are having problems are being handled.

I mentioned to you the Julia Richman situation. We have them in every school.

Mr. PHILLIPS. I might just add to your little reading material, the MACRO report, the audit report of those particular programs, which has a number of very serious criticisms. I do not know whether you are aware of those criticisms, whether you have read the report, but I think you should read it if you have not.

Dr. SCRIBNER. I have that report; yes.

Mr. PHILLIPS. Have you done anything about the criticisms in the report?

Dr. SCRIBNER. I need to study it more to pick up those criticisms. I got my hands on it about 2 days ago.

Mr. PHILLIPS. The report was in March of 1972.

Dr. SCRIBNER. What date?

Mr. PHILLIPS. I think the report was 1971 or 1972.

Dr. SCRIBNER. 1972. It is this year.

Chairman PEPPER. Dr. Scribner, we thank you very much for coming in to give us this information. We are sorry to have taken so much of your time. I hope we can find a way to make even more progress than has been made in dealing with this very difficult problem.

We welcome any further recommendations or suggestions from you or your associates at anytime in respect to what the Federal Government can do to be more helpful.

Dr. SCRIBNER. Thank you.

I do have a list of cases of teachers, but why don't we leave them with your staff today rather than take your time with them?

Chairman PEPPER. Fine. We will be glad to have them.

(Dr. Scribner's prepared statement and the recommendations previously requested follow:)

PREPARED STATEMENT OF DR. HARVEY B. SCRIBNER, CHANCELLOR, NEW YORK CITY PUBLIC SCHOOLS

The following comments are directed at the subject presently before this Committee—the problem of drug-abuse by young people who attend school.

Several basic points, in my judgment, are beyond dispute.

First, drug-abuse is a deadly menace to the people of this country, particularly the young. The abuse of drugs threatens large numbers of today's younger generation, including school-age youth. The steps that have been taken by schools and other agencies have thus far been outstripped by the problem they are designed to attack. New efforts are desperately needed. A new and major fiscal commitment by the Federal government in the area of drug-abuse is required. This is not to suggest that money alone will curb drug-abuse. But it is to say that more programs are needed, and that programs require funds.

Second, drug-abuse is a problem which the schools of this country can help solve—but not alone. The responsibility for finding solutions rests not only with schools, but also with legislative bodies, law enforcement authorities, health agencies, and individual citizens, including parents and students. I therefore urge the Congress to fund programs which can be operated by a wide range of agencies, both public and private.

Third, there is as yet no single guaranteed solution to the problem of drug abuse. The record of success in this area is uneven and unpredictable. I therefore advocate support of multiple programs and projects, both unorthodox and orthodox. I would urge, for example, more support of school-based efforts by the young to help each other in so-called peer group relationship, as well as support of more conventional approaches to drug-abuse prevention.

In New York City, the public schools began in February 1971 to mount comprehensive drug education and prevention programs. This effort was undertaken with new funds provided by the New York state legislature.

A total of approximately $18.3 million was provided by the State for drug prevention programs in the New York City schools in 1971–72. Of this total, approximately $13.6 million was allocated to the thirty-one Community School Boards of New York City for drug programs in the elementary, intermediate and junior high schools which these locally-elected boards manage and operate. The other $4.7 million was allocated to the centrally-operated high schools.

Under decentralization, the programs operated by the decentralized Community School Boards are their direct responsibility, while programs operated by the high schools are managed by the central headquarters.

With regard to drug prevention programs in the decentralized community School Districts, I wish to bring the following points to the attention of this Committee. These points represent the findings of a current report[1] on the anti-drug programs in the thirty-one Community School Districts of New York City:

An estimated 30,000 students and 7,500 parents have been involved in individual counseling this year.

An estimated 11,000 students and parents are involved in group counseling on a regular basis.

An estimated 4,000 elementary and junior high school students have been referred into psychiatric or medical care programs.

An estimated 583,000 students will be exposed to an average of 35 hours of classroom instruction on drug-abuse this year.

And an estimated 150,000 parent, student and community volunteers have been mobilized through councils and other activities as part of the total anti-drug effort in the Community School Districts.

At the high school level, where the schools are centrally-managed, the program for the City's 92 high schools is called SPARK (an acronym for School Prevention of Addiction through Rehabilitation and Knowledge). Each of the 92 high schools is staffed by a trained Drug Education Specialist. This individual is available throughout the school day to answer students', parents' and teachers' questions about drug-abuse; to offer individual or group counseling; and to refer students to local treatment facilities.

In addition, twelve high schools also are staffed by a psychologist or social worker, a guidance counselor, two teachers and four addiction specialists. These individuals constitute Intervention and Prevention Teams. These teams are located in schools in those parts of the city with the highest rates of drug-abuse, such as the Southeast Bronx and Bedford-Stuyvesant.

The high school SPARK program is in the process of completing a year-end evaluation. I am able, however, to report data gathered from the beginning of the program in mid-September 1971 through December 15, 1971.

During the first three months of this new program:

Approximately 80,000 of the city's approximately 300,000 high school students were reached by the program in classroom sessions.

More than 12,900 students were counseled individually, and another 8,000 were counseled in small groups.

More than 2,800 students were trained for student leadership roles in peer-oriented programs.

More than 600 emergency room interviews with students were conducted by Drug Education Specialists.

Approximately 1,300 referrals for drug-abuse of all kinds were made to 171 outside agencies, such as therapeutic communities and outpatient psychiatric clinics. Approximately 1,400 other high school students were referred to such school personnel as nurses, guidance counselors or deans.

The Drug Education Specialists organized 44 Narcotics Councils comprised of 555 parents and 63 community agency representatives.

Approximately 19 high schools have initiated "peer group" efforts in drug abuse prevention. These student-initiated programs involve students directly in prevention efforts. These projects are predicated on the notion that students are knowledgeable about drug abuse, and can be effective in preventing the spread of drugs, themselves. There is currently a trained leadership core of 380 young people in the high schools who have—through contact with fellow students—reached an estimated 35,000 high school students. This summer, the SPARK program will conduct a peer leadership training program. The purpose is to train young people from selected high schools to assist the Drug Education Specialists in mounting more effective anti-drug programs within the schools.

The SPARK and peer group programs, less than one-year old, have by no means eliminated drugs from the high schools of New York City. The programs clearly have shortcomings. But they represent a highly promising beginning.

---

[1] *A Status Report on School-Based Drug Prevention Programs*, Addiction Services Agency, City of New York, March 1972.

The conclusion of a current report on the citywide effort by the New York City public schools to combat drug-abuse by students is worthy of note. The report says this:

"In six months New York City and New York State have together effectively launched a drug-abuse prevention program to which parents and students have responded in significant numbers."

The report adds that "a constructive and major effort has begun."[1]

This is not to defend the schools by saying that their drug prevention programs are beyond improvement, or that the schools are doing all that must be done. It is to state clearly, however, that the schools of New York City have not been standing idly by in the midst of a serious problem. Contrary to claims which this Committee has heard, the schools of New York City, with financial assistance from the State and with the cooperation of the City's Addiction Services Agency, have indeed compiled a track record in drug-abuse prevention.

This record, incidentally, has been built in a period of extreme budget difficulty in New York City. This new effort in drug prevention was begun in 1971–72 when 5,000 staff positions were cut from the schools. And these programs in drug prevention will be continued in 1972–73 when the State has cut its drug program assistance to the New York City schools from $18.3 million to approximately $15 million, and when all indications are that the 1972–73 budget from the City will require additional cutbacks in school expenditures. I cite these fiscal problems to emphasize the commitment of the schools to these drug prevention programs.

In brief, drug-abuse among students in the public schools of New York City is a serious and continuing problem. The central Board of Education and I are well aware of the problem, and we have been working consistently on solutions. It is worth noting that the funding of these programs by New York State has been accomplished with no small effort on the part of the Board of Education and members of my administration.

The drug problem is with us in the streets as well as in the schools, and it will require a massive effort by government at all levels to eradicate it. We are *all* late in recognizing the problem and doing something about it—the schools, the cities, the state legislatures, and the Federal government. One of the dangers now is that we will spend time trying to fix blame on each other rather than joining to combat the problem. If we spend time on divisiveness instead of cooperation, the losers, once again, will be children and youth.

The financial help and constructive leadership of the Federal government in this area is urgently needed, if not demanded. It is my hope that the efforts of this Committee will lead to concrete and quick action by the Congress in providing substantial new financial support for the kinds of programs that have only begun to emerge for the benefit of the young.

BOARD OF EDUCATION OF THE CITY OF NEW YORK,
Brooklyn, N.Y., October 2, 1972.

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Crime,
House of Representatives, Washington, D.C.

DEAR CONGRESSMAN PEPPER: You and other members of the Select Committee on Crime expressed interest in my views about how the Federal government could help the New York City and other urban school systems combat drug use among its students. Before outlining some concrete measures which I think should be taken, I would like to make some general observations about this devastating social problem as it affects school age youngsters.

Drug abuse is often a symptom of a student's basic emotional and social difficulties, just as the presence of the drug subculture is a symptom of some basic flaws in our society as a whole. The youthful drug abuser will not stop using drugs simply because someone at school tells him to, or even if a few extra hours of extra-curricular activities are tacked on to his weekly schedule. The student already involved with drugs or prone toward them is having desperate trouble coping with life. School has not given him any hope that he has a place in society—he feels rejected and disoriented and eventually, he opts out.

For the student caught in the syndrome I have just described, there are ways schools can help, but only if the concept of the school's role in society is expanded and if schools are supported wholeheartedly by government and society at large.

The educational system must provide the student with options. There must be alternative environments, varying from storefronts to museums. There must be classes meeting all day and part of the night—totally flexible scheduling—and the incorporation of more work-study and internship programs into the options. There must also be quiet places for individual and group counseling.

The kind of learning must adapt, too. As Graham Finney, Commissioner of New York's Addiction Services Agency has noted, there must be "lessons which discuss and explore attitudes, the roots of human behavior, and provide students instruction and instant practice in basic 'life skills' such as problem solving, coping with adversity and decision-making—skills which so many young drug abusers lack."

To provide the options I have described, there will have to be a rethinking of the teacher's role and most probably a retraining for teachers who wish to become involved, too, will need to change their self-concept from one of passively receiving knowledge to the perception of themselves as active instruments of their own education. Students will need some training and orientation—to benefit fully from an "alternative education."

The alternative "school" is basically no more than a cadre of willing teachers, counselors and students collaborating on the business of learning about life and preparing for a place in society. This is significantly different from the institutionalized classroom approach we now use in the overwhelming majority of our urban school systems.

My specific suggestions for what the federal government could do to establish an alternative system follow. Specifically, Congress should:

1. Provide funds to plan a teacher and supervisor retraining program.
2. Provide funds for retraining of one-quarter to one-third of the New York City teaching force over a period of three years.
3. Provide funds for personnel to train and orient students toward the alternative education system.
4. Provide funds to hire additional counselors.
5. Provide funds to rent and renovate non-school space.
6. Provide planning funds for the development of a model system of inter-agency cooperation in drug prevention, referral, diagnosis, treatment and job placement. Educational, social welfare and medical service agencies would participate in the planning as well as delivery of services.

To benefit students who choose to remain within the traditional school system, I would recommend that Congress

1. Provide funds to train and pay students to work as "drug prevention aides" in their schools, and particularly to help run student operated peer group programs.
2. Provide funding for in-service training for teachers in the detection of drug abuse and in resources available for the drug abusing student.
3. Provide funding to allow every high school and junior high school in the City to employ a physician or other medical personnel specializing in the diagnosis and treatment of drug abuse.

Concerning the general problem of school safety, I am enclosing, for the information of Committee members, several documents which pertain to the ongoing efforts of my administration to promote safer schools. The enclosed documents describe a new approach to school safety which is now underway, as well as regulations regarding the safety of students and staff. I am also enclosing a copy of a letter which I sent recently to Mayor Lindsay which provides an overview, as of the date of the letter, of the safety effort in the New York City schools.

Members of your committee also expressed interest in the disposition of charges against 40 teachers arrested for the sale or possession of drugs. Of the 40, 29 either had charges dismissed by the courts or were found not guilty. Nine of the remaining eleven were found guilty and their licenses invalidated. These nine are no longer eligible to teach in the school system. Court action for the final two teachers is still pending, according to our latest record.

I hope that this letter is useful to the Committee, and that the work of the Committee will lead to legislation and appropriations which will help the people of this nation, especially the young, to combat the problem of drug abuse.

Sincerely,

HARVEY B. SCRIBNER,
Chancellor.

(Enclosures: 9).

[Enclosure 1]

Special Circular No. 34, 1970–1971

Board of Education of the City of New York,
Office of the Chancellor,
November 20, 1970.

To: Chairmen of Community School Boards, all Superintendents, Principals, Directors and Heads of Bureaus

SCHOOL SECURITY

> This circular is designed to coordinate the policies of the Board of Education, the Police Department and other city and community agencies in their efforts to promote the welfare and safety of our students and staff members. Programs and policies are described that foster a wholesome and safe educational environment and which outline the actions to be taken to protect that environment. The circular is directed to High School Assistant Superintendents and High School Principals. However, it is recommended to Community School Boards and Community Superintendents for use in all our schools.

By involving supervisors, teachers, parents and students in the decision-making process, the schools are made more responsive to the changing needs and aspirations of those whom they serve. This is no way diminishes, but rather enhances, the role of the principal as the chief administrative officer of the school. The principal is expected to exercise the authority necessary for the conduct of the educational program and the safety of students and staff.

Students should have a democratic experience in their daily lives in school. It is important that they share in decision-making which affects their lives within the school. They are entitled to the opportunity for responsible dissent and to an appropriate role in the governance of the schools. However, the right to dissent does not confer on any individual the right to engage in activities that endanger others, disrupt the life of the school or interfere with its educational program.

Previously issued circulars (see below) and statements have discussed the issue of safety and disruption. This circular is intended to summarize present policy and does not repeal any existing procedures unless specifically stated. Earlier circulars, where appropriate, should be consulted for details.

A major statement of policy, Special Circular No. 77, 1968–69, ***Student Participation and School Security***, is a primary resource.

In order to provide an atmosphere in which an effective program of education can be maintained, these procedures will be followed:

A. School Security and Safety

1. Principals should assign one member of the supervisory staff as the person immediately responsible to the principal for school security. The principal should notify the local police precinct as well as his assistant superintendent, giving the name and telephone number of the individual assigned.

The individual assigned:

a) is the person to whom school guards should report and from whom they should take direction.

b) is the person to contact other community and city agencies in all matters pertaining to the security of the school.

c) is the person responsible for the organization and operation of all types of emergency drills, such as, fire drills and shelter drills.

The principal, personally or through delegation, retains responsibility for calling police.

2. Every student and staff member should be provided with some means of identifying himself, and should be required to carry such identification at all times.

3. Wherever possible, all school doors should be locked from the outside. However, all doors must be capable of being opened readily from the inside. The only doors which should be capable of being opened from the outside are those leading to the main office of the building.

4. Student violations of school regulations affecting student safety should be handled in accordance with established school procedures. Basic policy requires

a guidance-oriented approach involving the use of all available remedial procedures and supportive services. Where these fail or are inappropriate, presuspension and suspension procedures are described in Special Circular No. 103, June 24, 1970, *PUPIL SUSPENSION*.

5. In seeking to avert disruption of educational programs, and in situations of impending crisis, principals should maintain contact with such agencies and groups as: parent association; the student government; the consultative council; the faculty; the Mayor's Task Force; the Community Relations Division of the Police Department and other groups which offer assistance and cooperation.

Principals should inform their assistant superintendents of developing problems.

6. When police aid is deemed necessary, principal should summon the police promptly: Any school personnel who become aware of a crime in the school or the vicinity of the school should report it to the principal promptly.

The police function should be limited to situations in which violations of law are anticipated, are being committed, or have been committed. This normally entails the filing of a complaint. It is important to distinguish between those situations which involve police functions and those that are centered in school administration.

7. The principal should be prepared to take administrative action and to support legal action against individuals who engage in assaults on students or staff members.

8. When a crime is committed outside the school, police will make every effort to effect arrest off school premises. In cases of arrest in school, police will make every effort to notify the principal prior to the arrest. (Where circumstances permit arrests should be made in the principal's office) If the arrest involves a student, the principal should have a member of his staff accompany the student and the arresting officer until a parent or guardian can assume parental responsibility. Every effort should be made to notify the parent or guardian immediately.

See also General Circular No. 13 1967–68, Item 2, *POLICE INTERVIEWS of CHILDREN and RELEASE of CHILDREN to the POLICE from SCHOOL PREMISES* which describes the limitations and the conditions under which such contacts may be permitted.

9. Staff members who encourage, contribute to, or participate in activities threatening the safety, good order, or normal operation of schools, should be charged with conduct unbecoming a teacher, and/or with other appropriate charges.

10. From the By-Laws, Section 90 Subdivision 16:

"All school activities and student organizations shall be under the general supervision of the principal of the school and each shall have a qualified member of the staff as adviser. No activities of any school organization, or of any group of students shall take place in the school, on school property, or at any school sponsored function unless approved by the principal and the adviser is present.

No secret society, secret club, or secret organization shall be allowed to operate or function in a school, nor shall the insignia of such secret society, secret club, or secret organization be worn in school. . . ."

11. Special Circular No. 104, 1969–70, dated June 30, 1970 and entitled *STATEMENTS of RIGHTS and RESPONSIBILITIES of SENIOR HIGH SCHOOL STUDENTS* includes the most recent policy statements on student organizations and activities.

B. Admission to the Building

1. The school is a public agency. However, the principal has the responsibility and the authority to limit admission to the building to those persons having legitimate business within the building. This normally includes parents of children enrolled in the school, supervisors or teachers who are visiting the school on official business, representatives of vendors doing business with the school, representatives of governmental agencies and persons admitted to the school by the principal.

2. The safety and welfare of students and staff dictate that visitors to the school use those entrances specifically designated by the school and that they report to the designated desk or office. A visitor's request to visit other parts of the building or to meet with individuals or groups may be granted or denied by the principal. The principal, personally or through delegation, has the authority and the responsibility to make such decisions.

3. No student or staff member should be permitted into schools other than their own during school hours unless he has been invited by the principal of the visited school and excused by the principal of his home school.

4. Any adult who violates the law either inside or immediately adjacent to a school building should be dealt with by law enforcement officials following a complaint by school authorities. Penal law Section 240.35 states that loiterers in the vicinity of schools or trespassers on school property are subject to arrest for disorderly conduct.

C. Coordination of Agency Assistance

1. Since student unrest and its causes frequently transcend the school, it is essential that there be supportive cooperation and assistance of other social agencies concerned with youth and public safety. The principal should take the necessary steps to establish such cooperation not only with his local police precinct captain but also with members of the Borough Community Relations Division of the Police Department who are knowledgeable in "preventive" police procedures.

2. The Consultative Council, existing in all schools, should be involved in general policy considerations relating to security and safety in the schools. The council should function in an advisory capacity to the principal. The organization of such councils is covered in Board of Education resolutions and is summarized in Special Circular No. 104, 1969–70, *STATEMENT of RIGHTS and RESPONSIBILITIES of SENIOR HIGH SCHOOL STUDENTS.*

D. Bomb Threats

Current policy should be followed. Principals are requested to establish procedures in each building for the protection of students and staff members.

E. Untoward Incidents

All untoward incidents should be reported in accordance with instructions contained in General Circular No. 8, 1969–70, Item 3, *REPORTING of UNTOWARD INCIDENTS and VANDALISM.*

F. Narcotics Addiction and Substance Abuse

Programs designed to emphasize the danger of drug abuse are in operation now and will be extended this school year. Special Circular No. 29, 1969–70, *INFORMATION and RESOURCES RELATIVE to NARCOTICS ADDICTION,* deals with programs, and protective and preventive measures.

Responsibilities of school personnel for reporting and follow-up action in cases of suspected drug abuse are described in the above Circular, in Special Circular No. 66, 1967–68, *NARCOTIC ADDICTION and SERVICE AGENCIES,* and in Special Circular No. 76, 1968–69, *REPORT on NARCOTICS SUSPECTS and USERS.*

NOTE:

It should be understood that guidelines and regulations are not sufficient in and of themselves to ensure a desirable climate for education. The following require special attention:

1. Regular and meaningful meetings of the School Consultative Council.
2. Prompt implementation of agreements reached.
3. The development of an easy and frequent dialogue between students and staff members.
4. The fostering of positive self-discipline which is based on student recognition of their responsibility to help formulate and abide by reasonable rules of behavior.
5. A continuing effort to involve supervisors, teachers, staff members, students, parents and responsible community organizations in the formulation of school policies.

The ultimate responsibility for the safe and effective operation of the school as a democratic educational institution rests with the principal. The principal, as the chief administrative officer, has and should use all necessary authority an discretion for meeting this responsibility.

Very truly yours,

HARVEY B. SCRIBNER,
Chancellor.

Special Circular No. 103, 1969-1970

[Enclosure 2]

Board of Education of the City of New York,
Office of the Superintendent of Schools.
June 24, 1970.

To: All Superintendents. Principals, Directors, Heads of Bureaus and Chairmen of Local School Boards.

Ladies and Gentlemen:

PUPIL SUSPENSION

I. INTRODUCTION

This circular supersedes Special Circular No. 36, dated November 12, 1969, and all previous circulars and references on the subject of pupil suspension, such as Chapter 8 of the Manual of Attendance Procedures for Principals and Chapter 4 of the Manual of Procedures of the Bureau of Child Guidance. The suspension of a pupil required to attend school is a serious step. The parent has the responsibility for the pupil's regular attendance and orderly behavior while attending school. It is also the responsibility of the parent to maintain the pupil in proper mental and physical condition. The school has the responsibility to accept and instruct all educable pupils, and as such, must take all possible steps in the educative process to prevent the suspension of children. However, it must be recognized that for a variety of reasons some pupils cannot maintain themselves or be maintained in a classroom setting.

II. PREVENTION PROCEDURES

A. General Considerations

All possible alternatives should be explored to help children resolve their adjustment problems before suspension is considered. In pursuit of this objective the school will assume the responsibility to refer pupils and their parents for specialized help.

If after all available remedial procedures have been applied, a pupil remains disruptive or maladjusted to the extent that he does not profit from instruction or that he prevents other pupils from learning, his educational placement must be re-evaluated. It is recognized that authoritative steps may be necessary, but the approach should be supportive. Each principal and teacher has a responsibility to identify pupils in need of help and to enlist the aid of the Board of Education's pupil personnel services as well as the resources available in the community. In addition, the principal should have available a sufficient record indicating that the pupil was recognized to be in need of extra support and the specific steps taken with parents and staff to help the child. The success or failure of these steps and other pertinent data should be an essential part of the record. However, there may be instances when the severity of a pupil's action will necessitate the suspension even though there be no previous history of disruptive behavior. The suspension procedure must be considered a part of the continuous educational guidance program for the child. Principals', community superintendents' and supervising assistant superintendents' conferences, in relation to suspension, provide an opportunity for parents, teachers, counselors, supervisors, et al., to plan educationally for the benefit of the child.

B. Principal's Conference to Prevent Suspension

1. When a serious problem arises regarding a pupil's behavior, a presuspension conference attended by the appropriate personnel should be called at an early stage in an effort to resolve the problem. It is expected that the parent will be included in efforts to help the pupil in school adjustment.

2. The principal should notify the parent to attend the presuspension conference by a personal letter. (Personal letters are preferable to form letters.) The following letter is suggested, only:

"I am very anxious to meet with you to discuss a serious problem that your child—(name)— is having. Would you please come to see me on—(date—time—time—place)—so that we can plan ways to solve this problem.

I must stress the urgency of our arriving at a joint solution so that we may avoid suspension or other alternatives.

"Yours very truly,".

3. Inasmuch as this is a guidance conference held for the purpose of providing an opportunity for parents, teachers, counselors, supervisors, et al., to plan educationally for the benefit of the child, attorneys seeking to represent the parent or child may not participate.

III. SUSPENSION PROCEDURES

A. Principal's Suspension

1. The school principal shall have emergency power to suspend a student from participation in regular school activity when he determines that the overt behavior of that student prevents the orderly operation of the class or other activities or presents a clear and present danger of physical injury to school personnel or students. Such suspension shall be reviewed daily by the principal and shall last only so long as such conditions continue to prevail, but *in no case shall exceed five days.* No student shall be placed under emergency suspension pursuant to this section twice consecutively or more than twice in one school year. (Note: the above is an excerpt from the Board of Education resolution adopted October 22, 1969.) The clear intention of the suspension procedure is that suspension for a period beyond five days shall have been preceded by a hearing, consequently a principal's suspension may not be followed consecutively by a superintendent's suspension.

2. Whenever a pupil under the care of the Bureau of Child Guidance, or another agency or therapist is to be suspended, the principal shall consult with the Bureau of Child Guidance, or agency or therapist prior to the suspension. The final decision remains with the principal.

3. The principal will remove the pupil from his class and must keep him in school *under supervision* until the close of the school day or the arrival of the person in parental relation to the pupil.

4. The student's parents and community superintendent or the supervising assistant superintendent shall be immediately advised of any emergency suspension by telephone or telegram and the reasons therefor. The parents shall also be informed by *certified mail, posted on the day of suspension,* that their child has been suspended, the specific reasons for the suspension and that their presence is requested at school for a conference at which time the parent will be permitted the opportunity to discuss the findings leading to the student's removal from class, to question the complainants and to present additional information. The following format should be used: (N.B. A personal letter is suggested rather than a duplicated form.)

"I regret that it has become necessary to suspend your child from school until __________ (Set date not to exceed 5 days), because

(State specific reason with clarity and definiteness)

It is important that you call or write to my office immediately to make an appointment for a mutually convenient time. At that time, you will have the opportunity to examine and discuss the relevant facts with all the parties concerned, so that we may plan together for your child's return to school. If you wish, you may bring two persons. They may be attorneys but may act in the capacity of advisors only. During the period of suspension, your child should be kept at home during school hours."

A copy of the Appeals Procedures must be enclosed with suspension letter to the parents.

5. The conference will be conducted by the principal who will explain the basis of his decision to suspend and allow the parent and student to present their side of the story. According to state law, the person in parental relation may ask questions of complaining witnesses. Parental responsibility should be emphasized. According to the By-laws of the Board of Education, at the conference the parent and the principal may each have the assistance of up to two additional persons unless both parties agree to the presence of more persons.

6. Every effort should be made to secure the parent's attendance at the conference. If the person in parental relation to the child fails to respond or appear, the principal may refer the case to the community superintendent or supervising assistant superintendent who shall take such action as he may determine. A conference cannot take place unless the parent or person in parental relation is

present. A guidance approach should be emphasized and maintained throughout the conference which should not be allowed to become an adversary proceeding.

7. A pupil suspended by the principal *must be returned to the school by the principal no later than 5 school days after the day of the principal's suspension.* A permanent record of the guidance conference held in connection with the suspension will be maintained by the principal.

8. A pupil suspended by the principal under this section *may not be suspended more than twice during the school year.* These may not be consecutive periods of suspension.

9. At the end of every attendance reporting period of the school year, each principal will send to the Community Superintendent or Supervising Assistant Superitendents:

The name of each pupil suspended
The reason for suspension
Date suspended
Date of principal's hearing
Date of pupil's return to class
Number of school days suspended

10. The suspended pupil will remain on the register of his school and will be marked absent in the roll book during the period of suspension.

B. Community Superintendent's or Supervising Assistant Superintendent's Suspension

1. When a principal believes that a student is so disruptive as to prevent the orderly operation of classes or other school activities, presents a clear and present danger of physical injury to other students or school personnel, or that he will benefit from an alternative educational experience, he shall refer such cases to the community superintendent or supervising assistant superintendent, giving him a brief summary of the student's behavior.

2. If the Community Superintendent/Supervising Assistant Superintendent decides on the basis of the information provided by the principal that suspension procedures are warranted, he shall schedule a hearing on notice of not more than five school days by certified letter to the parents of the student and should hold such hearing on or before the fifth school day of suspension. The notice shall designate the date, time and place of the hearing and shall contain a statement setting forth the parent's right to be represented by counsel and a statement of the specific behavior of the student. Since the decision to suspend is the responsibility of the community superintendent/supervising assistant superintendent, he is required to send the letter of suspension. (The following format is suggested only)

Suggested Format:

"Dear __________;

"At the request of ____________, Principal of ____________ and in view of charged serious misbehavior, your (daughter/son) has been suspended from school. The allegations of misbehavior include the following:

(State specific reasons with clarity and definiteness)

"A guidance conference and suspense hearing has been scheduled for:

"DATE ________________________
"TIME ________________________
"PLACE ________________________
"PHONE ________________________

"It is most important that you attend this conference and that you bring your (daughter/son) with you. In accordance with State Education Law, you may if you wish, have counsel accompany you to this conference. You or counsel have the right to question witnesses.

"During this period of suspension, ______ is not to come to school and should be kept home during school hours.

"Yours very truly,

"JOHN DOE,
"Community Superintendent or Supervising Assistant Superintendent."

A copy of the Appeals Procedure must be enclosed with suspension letter to the parents.

3. On the day that the principal telephones the district office and the community superintendent/supervising assistant superintendent agrees to schedule a sus-

pense hearing for the pupil, *the pupil is to remain in school until the close of the day.*

It is the responsibility of the principal to utilize every available means to notify the parent or person in parental relationship *on that day* that the community superintendent/supervising assistant superintendent is suspending the pupil on the basis of information supplied by the school.

The parent or person in parental relationship may request an extension of time for the date of the hearing. The time extension may be granted by the community superintendent/supervising assistant superintendent. If the time extension is granted, the community superintendent/supervising assistant superintendent should notify the parent by telegram and/or certified mail of the new date, time and place of the hearing and that the child is to be kept out of school during the suspension.

4. The hearing shall be conducted in full accordance with the statutory requirements which provide that no pupil may be suspended for a period in excess of five school days unless such pupil and the person in parental relation to such pupil shall have had an opportunity for a fair hearing, upon reasonable notice, at which such pupil shall have the right of representation by counsel, with the right to question witnesses against such pupil.

The important purpose above and beyond meeting the statutory requirements is to provide an opportunity for parents, teachers, supervisors, et al., to plan educationally for the benefit of the child. The community superintendent or supervising assistant superintendent shall make a written statement of his findings, together with the determination thereof. Such determination may include among other appropriate measures the pupil's reinstatement, transfer to another school, referral for placement in a School for Socially Maladjusted Children, referral to the Bureau of Child Guidance or other suitable professional agency for study and recommendation.

In certain suspension cases where the recommendation is that the pupil be placed in an alternative educational institution, pending such placement, it shall be the responsibility of the Community Superintendent or supervising assistant superintendent to provide for some other means of instruction, such as home instruction.

Suspension should take place only after a finding that the continued attendance of the pupil at his former situation prevents the orderly operation of the classroom or other school activity or presents a clear and present danger of physical injury to students or other school personnel. Every effort should be made to secure the parent's attendance. If the parent fails to appear the community superintendent or the supervising assistant superintendent shall reschedule the hearing, but may suspend a pupil pending the rescheduled hearing where he finds that the continued attendance of the pupil at his former educational situation prevents the orderly operation of the classroom or other school activity or presents a clear and present danger of physical injury to students or to other school personnel.

5. The suspended pupil will remain on the register of his school and will be marked absent in the roll book during the period of suspension. Appropriate notation of the suspension should also be recorded on the cumulative record.

6. A suspended pupil who moves to another school district within the City shall be placed immediately upon the register of the school serving the new residence and suspension shall be continued. All pertinent information will be forwarded to the community superintendent or supervising assistant superintendent of the new district, who will make final disposition of the case.

7. At the end of each attendance reporting period, the community superintendent or supervising assistant superintendent will forward to the Superintendent of Schools a report on pupil suspensions, including the following:

a) A summary of the community superintendent's or supervising assistant superintendent's suspensions and descriptive data regarding disposition and status as well as time elapsed since the date of suspension.

b) The number of principal suspensions and the duration of each suspension.

IV. REGULATIONS GOVERNING APPEALS

If, after meeting with the school principal, the parent believes that the suspension was not justified, he may, for the elementary and junior high schools, appeal in the first instance to the community superintendent and in the second instance from the community superintendent to the community school board and then to the Central Board of Education to review the suspension decision.

Appeals affecting high school and special school students should be appealed in the first instance to the supervising assistant superintendent and in the second instance to the Central Board of Education.

After a decision on an appeal is reached, the parent shall be informed of the decision in writing and the reasons therefor. In any case, where the supervising assistant superintendent, the community superintendent, the community school board or the Central Board of Education find that the action of the student did not justify his suspension from classes, the student shall be exonerated and any record of disciplinary proceedings against him shall be expunged from his record.

Very truly yours,

IRVING ANKER,
Superintendent of Schools (Acting).

[Enclosure 3]

THE NEED FOR IMMEDIATE ACTION (SAFETY PERSONNEL AND PRACTICES FOR THE NEW YORK CITY PUBLIC SCHOOLS), JUNE 30, 1972

(An interim report submitted by a Panel on School Security appointed by the Academy for Educational Development; Academy for Educational Development, Inc.)

I. INTRODUCTION

Toward a Policy of School Safety

Students cannot learn and teachers cannot teach in an atmosphere where they fear for their personal safety. Whether their fears are grounded in reality or are a reaction to exaggerated rumors, they must be overcome or reduced to a minimum if the education provided by the schools is not to be seriously impaired.

An effective program to resolve problems of school safety must involve both responses to crisis and ongoing provisions aimed at preventing the development of crises. At the same time, actions taken to deal with sudden emergencies must be consistent with plans to meet long-range safety objectives and must not merely delay attention to alleviating the causes of unsafe conditions. It is equally important to avoid the build up of a security structure which could prevent the development of more effective safety measures. Reasonable safety for all who go to the schools on legitimate business or who attend school functions is a right and not a privilege. Requiring pupils to attend school by law places upon public safety officials, budget authorities, school administrators, and other school employees a mandate to provide essential safeguards for the person and property of pupils and school employees while in school or on their way to and from performing their required responsibilities.

Schools are obligated to provide protection against possible harm from physical violence of individuals or from civil disturbances by a group, against possible fire, flood, violent storm or explosions, against vandalism, theft or extortion; against disease or food poisoning, against drug abuse or illegal acts committed by students or non-students at or near school property; against traffic hazards that might endanger lives of those who come to the schools, and against accidents resulting from preventable hazard conditions. The allocation of responsibilities among employees and students, cooperation with public safety officials in other branches of government, the design, location, and equipment of school buildings, and the presentation of facts before budget and policy-making bodies and the public are all important elements of a school system safety program.

In seeking a solution to this problem, the New York City Board of Education asked the Academy for Educational Development, Inc. to evaluate the present school security program and to make both short-range and long-range recommendations for its improvement. The Academy, in its turn, recruited a Panel of distinguished citizens to review the findings of its staff studies and to make recommendations. This is an interim report on security personnel. The Panel will submit a final report on the overall security program for the New York City Schools in November.

In considering ways to establish a fear-free learning environment, the Panel was unanimous in its feeling that the emphasis must be on an understanding and forewarning of problems rather than on punitive action against perpetrators.

Recognizing that most trouble in the schools is a reflection of the society beyond the schoolroom door, the Panel agreed that the primary emphasis must be on community involvement to engender community respect for its educational institutions. Such involvement and respect will provide more security than any number of police, guards, or other security personnel.

A school safety program must, therefore, involve definition of and acceptance of some responsibility not only by the school administrator and public and school safety officials and specialists but by school employees, parents and the students themselves all of whom must understand and accept their share of responsibility. At the same time, it is important to insure protection of individual rights of alleged offenders as well as to safeguard possible victims and to recognize that human values take precedence over property where it is necessary to make such a determination.

Design of a safety program, allocation of responsibility, providing training of personnel and students in their responsibilities for safety measures and for their role in different kinds of crises, requires a strong leader with specialized knowledge and status. He must have ready access to the Chancellor and be able to represent him effectively in dealing with public safety, public health, school employee organization, budgetary, and transportation officials. He must be recognized through the school system as an expert in school safety whose primary concern is to advance education through improved safety conditions, not to build a school system security force empire.

These are considerations which the Panel believes should take into account when formulating a program of action designed to improve safety and security in New York City schools, to assure parents, employees and pupils that school attendance is as safe as it is possible for it to be, and to designate where responsibility lies for different aspects of safety so that those who are responsible may be held accountable.

The Panel became increasingly confident as it examined available facts from New York City, however insufficient or clouded by emotional reactions; that the problem of school safety required prompt and effective action of several types. Students, parents, and employees need to see immediate action on known problems as an assurance that a long-range effective school safety program is on the way to becoming a reality.

This interim report contains a series of recommendations many of which can be implemented for the Fall 1972 term. The Panel believes that these recommendations are consistent with the philosophy which will guide the long-range recommendations to be contained in their final report. In that report, the Panel, in addition to discussing specialized personnel, expects to deal with such broad areas as: reducing per-school enrollment; provisions for educational choice; the relationship of the school plant to school security; restructuring some curriculum; and suggestions for measures to reduce vandalism and theft.

Summary of Recommendations

At the present time New York City must have personnel in the schools whose primary concern is to promote safety in the schools. However, if there is to be immediate action to improve the atmosphere of the schools, everyone—teachers and students as well as special personnel—must participate actively in the school safety program.

Today's school security program grew in response to a crisis situation and has been molded to meet a series of ad hoc directives. One of the purposes of this study is to help the Chancellor to develop a cohesive set of objectives and guidelines which will enable the high schools and Community School Districts to achieve a high level of safety. These objectives and guidelines will establish benchmarks against which to evaluate the safety program of each school and District.

The Panel's major recommendations which should undergird an effective program of school safety are as follows:

1. Responsibility for the application of the guidelines designed to meet the designated objectives should be delegated by the Chancellor to an Administrator of School Safety whose sole responsibility would be to administer the safety program.

2. Specialized personnel should be assigned in the schools to work in the safety program. It is not desirable to build a paramilitary force which would have a tendency to become institutionalized and thus might persist long after the societal conditions which called it into being have disappeared. Personnel should, therefore, be selected for a finite period and the program should have built-in

opportunities for them to move up either in the school system or into other roles in the City. Personnel to be selected should include:

a. Student Service Officers—in the number to be determined by the Administrator of School Safety in consultation with high school principals and District Superintendents. Those of the present security guards who are requested by a principal should be rehired; others should be selected by the principal from among those persons known in and to the school community.

b. Student Service Coordinators—twenty professionals—former teachers, lawyers, policemen, etc.—to serve in teams of two as sources of information, advice, supervision, and emergency aid. They would provide a continuing liaison between the central board and the high schools and community districts on matters of safety.

3. All Student Service personnel should be hired on the same basis as other non-teaching school staff. They should have the same job security and fringe benefits.

4. Student Service Officers and Coordinators should not wear uniforms nor carry arms.

5. Separate training programs should be developed at once so that Student Service Officers and Student Service Coordinators can each have a thorough grounding in community relations and people management as well as City and school laws and regulations before school opens in September. In the future, arrangements should be made with one or more institutions of higher education to enable this staff to increase competencies and to earn degrees in order that they may move up one of a series of career ladders.

6. Principals should receive special training on how to respond to the new types of problems arising in schools today. The course should include sensitivity training focused on such problem areas as the disaffected student and the community expressing hostility to the school. It should also cover such topics as how to recognize a brewing crisis, how to respond to a non-negotiable demand, and when to call the police.

7. Principals should be expected to develop a safety plan for their own schools, determining the proper use of police, School Service Officers, teachers, parents, and students.

8. An *effective* grievance machinery should be established in each school. Since school communities vary widely, the principal should be empowered to determine what best meets the needs of his or her school. In making this choice, the principal should keep in mind the need to involve students, teachers, and parents; the need for a way to defuse sudden flareups as well as long-range complaints; and the need for a system which can *act* on problems brought before it, not just rehash them. Possibilities include broadly representative committees, teacher ombudsmen, etc.

II. PRIORITIES AND BUDGET

The Immediate Need referred to in the title of this report calls for leadership at this time from the Chancellor and the Board of Education in establishing a comprehensive program of school safety. Assuming that it would be very difficult to implement the entire program at one time, the following priorities are suggested:

1. Announcement of the inauguration of an overall school safety plan as outlined in this report. (Early July)

2. Appointment as Administrator of School Safety of a man with the expertise and political awareness to oversee an effective program. Appointment of small supporting staff. (End of July)

3. Identification by principals of those who were security guards in 1971–1972 whom they want rehired and trained as Student Service Officers. (The number for training is estimated to be 100 to 150.) (End of July)

4. Development and conduct of two training programs, one for Student Service Officers and one for Student Service Coordinators. Given the short time available, it might be advisable to contract for training with professional experts. (During August and early September)

5. Selection of 20 Student Service Coordinators. Leave-of-absence arrangements to be made where appropriate. (In August)

The cost of these steps is estimated as follows:

	Central board	Districts
Administrator	32,500	
Support staff	20,000	
Expenses	8,500	
20 coordinators at $12,500	250,000	
300 student service officers at $6,500	1,950,000	
150 student service officers at $6,500		975,000
Training program:		
100 student service officers at $750	75,000	
50 student service officers at $750		37,500
20 student service coordinators at $750	15,000	
Contingency	25,000	
Subtotal	2,375,000	1,112,500
Grand total	3,487,500	

Following the opening of school in September 1972.

Once the foregoing steps are underway, the remainder of the program can be implemented as follows:

1. Identification by principals of an additional 300 persons suitable for training as Student Service Officers in all schools.
2. Establishment of an arrangement with one or more two- or four-year colleges to enable Student Service Officers to use their in-school assignment as the first rung of an educational and career ladder.
3. Conduct of a training course for new personnel. Once they have been checked and hired, they can start work and attend training course after school hours. (See suggestions below with respect to use of Coordinators as trainers.)
4. Development and conduct of a training course for principals in all aspects of school safety and people management.
5. Insistence that every principal develop a comprehensive plan for his or her school covering all aspects of safety.
6. Establishment of some form of effective student advocacy machinery in every junior high and high school.

Since the Student Service Coordinators, once trained themselves, should be qualified to conduct a major portion of the training for new Student Service Officers, the cost for implementation of these steps is estimated as follows:

	Central board	Districts
Training:		
200 Student service officers at $500	$100,000	
100 student service officers at $500		50,000
75 principals at $450	33,750	
100 principals at $450		45,000
Subtotal	133,750	95,000
Grand total	228,750	

The training budget will not recur in anything like that magnitude. The ongoing annual budget for personnel is $3,300,000, which is comparable with $1,700,000 spent for security in the Chicago public schools which have a student register of 560,000, or half of that of New York City. The District of Columbia spends over $500,000 for salaries for a system of 144,000 students, or 13 percent of the New York City register.

III. PERSONNEL

The success of the school safety program to be outlined by the Panel in its final report should result in a lessening of the need for personnel primarily devoted to "security". Also, so-called security problems stem from a variety of causes which lend themselves to a variety of solutions. Thus, the Panel is recommending several types of personnel to fulfill different functions.

Administrators

There are several interrelated factors which make a school a safe place in which to teach and learn. The Panel felt that it should be concerned with fire hazards, health standards, and safety rules in order to provide complete safety for both buildings and personnel. In order to coordinate these functions, the Panel recommends the creation of a new position in the New York City Schools of Administrator of School Safety. In recognition of the importance of safety, the person so designated should not only have a thorough knowledge of the laws and regulations in areas pertaining to safety, but should be a person of enough distinction and political sophistication to be able to communicate with officials at the highest level. The new Administrator of School Safety should have regular and emergency access to the Mayor's office, the Police and Fire Commissioners, the Transportation Authority, the Presiding Judge of the Family Court, and key City officials such as the head of the Youth Services Administration.

Because safety and security in the schools is a nationwide problem, the study staff examined the school systems of 26 other cities. Each of them had one or more citywide administrators who devoted full time to security and related problems. The problems are so pervasive, so volatile, and so complex—in New York as elsewhere—that the Chancellor should appoint a full-time Administrator of School Safety. The Administrator would be responsible for the day-to-day administration of the school safety program seeing to it that there are proper training opportunities for Student Safety Officers, that the Principals are adhering to their safety plans, that proper action is taken on the information provided by the Student Service Coordinators and that the program for student grievances is working effectively.

In addition he would be responsible for selecting and supervising professional help to develop and conduct a training program for Student Service staff, for principals and possibly for other school personnel. He may wish to contract for these training programs from specialists rather than to enlarge his permanent staff.

Student Service Coordinators

Present personnel who have been hired to perform a narrowly defined security function are supervised solely by the Assistant Principal or other school-related official designated by each principal. However, an additional staff of skilled professionals is needed. They should perform an intelligence function for the Chancellor similar to the function performed for the Mayor by his Education Task Force. In addition to providing a communications network between the schools and the Board of Education, the Coordinators would serve as a clearinghouse for the sharing of experiences among the City's 92 high schools and 31 School Districts, and could offer continuing advice and emergency aid to individual schools or District Superintendents.

The Panel suggests 10 two-member teams of Student Service Coordinators. Each team would be responsible for three Community School Districts and nine or ten high schools. They would visit each District or school on a regular basis, and would respond at once to an emergency call from any school to which they were assigned.

They would be expected to develop rapport with members of the school staff, parents and other community leaders, the local police, and students representing the variety of backgrounds within the school register.

The personal and experiential qualifications for this staff of coordinators should be flexible. They should have a broad spectrum of talent in communications, insight into personal and group dynamics, a keen interest in community relations, and training in mediation techniques. As the eyes and ears of the administration as well as the emergency operating team, the coordinators must be a multi-talented diplomatic corps. The Administrator of School Safety should experiment with several types of personnel, all of whom should be college graduates. Among those who might be used are teachers or former teachers, community leaders, and police or former police. Teachers and policemen who volunteer and are selected to serve on these teams might be given a 2-year leave of absence from their present assignments.

Because the role of Coordinator could serve as an excellent training ground for those interested in youth work, school administration, or other community service, funds to train personnel for this new type of position might well be forthcoming from sources such as the Criminal Justice Coordinating Council.

As communications specialists, the Student Service Coordinators could serve many functions. First, they would report daily to the Administrator of School Safety with a running account of what is happening in the schools and the communities surrounding them as it affects the schools. They would know about local conditions, community meetings, rising crime, incidents likely to be picked up by the media, etc. They would also be aware of schools that lacked or had inadequate personnel and could see to it that the situation was improved. More importantly, they would learn first hand about safety programs that seemed to be working particularly well. Thus they could serve as a kind of data bank for the high schools and Community School Districts which now have no common meeting ground on safety matters.

Second, the Student Service Coordinators could consult with the principal and the person directly in charge of safety in each school to discuss his or her problems and personnel, and with his guidance (and permission) work with individual staff members to improve their performance. For instance, Student Service Officers should have an opportunity to ask how a specific incident should have been handled—or could alert the Coordinators to an anticipated situation. They would also have an opportunity to use the Coordinators as a go-between to handle complaints or grievances they might have about their job or about their in-school supervision.

Finally, these Coordinators should be called in whenever a principal feels that a school crisis could be calmed or averted with the use of additional personnel. This would be particularly advantageous in a situation where the principal determines that the presence of police—in uniform, unfamiliar with the school, and possibly unresponsive to the principal's direction—might exacerbate a volatile situation.

It should be noted that the establishment of these teams would obviate the need for the present mobile squads. Their members could form the Student Service staff at specific schools—or be trained as members of the communications teams if the Administrator of School Safety feels they have the proper qualifications and attitudes.

Student Service Officers

The title security guard is not really suitable for the in-school staff proposed. The Panel prefers Student Service Offiers, which would more closely describe the role envisioned in this report. Their function would be to service the needs of the school population, particularly the students, and it is important that their title reflect this important responsibility.

Recognizing that the principal has the ultimate responsibility for the safety of his or her school—and that safety is directly related to the school's relationship to the community, the Panel proposes that the principals immediately be empowered to determine which of the present guards are to be rehired and to select any new personnel to serve as Student Service Officers from the local community or persons known to it.

Where the principal does not choose to rehire—or does not have his allotted complement of guards—he should begin immediately to seek the requisite number of men or women from his school community. Parents and siblings of students, graduates of the school, street leaders, and returned veterans are all likely sources of recruitment.

Like the high schools, the local school districts should be informed that all funds for the safety program will be available only for personnel that meet the Board's guidelines and have taken the Board's training program. They will, of course, retain the right and be encouraged to hire community people as Student Service Officers.

The Student Service Officers, unlike the present guards, should have the same job security and fringe benefits as other paraprofessional school staff members. New personnel should be carefully interviewed and investigated, *particularly for acceptability to students.* (The principal might well use a group of students to help interview prospective Student Service Officers.) While additional checks will be made by the Central Board and the police, the prime responsibility for selection of Student Service Officers compatible with the community and the students must rest with the principal.

The job description for Student Service Officer should stress their contribution to the educational mission of the school, their role as supportive of teachers and other staff, and their ability to get along with students. Qualifications should be flexible. Since it is hoped that the training program will be tied into an institution of higher education, it would be preferable if Service Officers were high school graduates. Older people who desire to further their education and to move up a career ladder should not be ruled out.

The principal and student deans and advisors will determine the tasks to be performed by each Officer. A minimum assignment should involve the identification of and building a relationship with as many students as possible. Hopefully this would enable the officer to build a cadre of student aides. However, he must not become so friendly that he is unwilling or unable to stop misconduct on the part of a student/friend.

All guards who are retained as Student Service Officers should be required to attend the training course outlined below, along with any new Officers appointed by the principals. It is anticipated that the first Training Program will start on August 7. Since many principals will not make their appointments until fall, Officers hired after September 1 should be carefully screened and should be allowed to start work under close supervision. A second course should be offered after school hours in November and December to train these new officers.

IV. TRAINING

One of the most important components in the success of the safety program for the New York public schools will be the training provided for Student Service Officers. The present training course is an informal improvised program touching on human relations, school rules, law, police training, narcotics, self defense and first aid in a four-week period.

Training programs across the country vary in length and content. Los Angeles Public Schools, for example, has a ten-week training program in police science, legal theory and human relations; Baltimore runs a six-week program in cooperation with the Maryland Police Academy: in Detroit, guard training is conducted part-time for 30 hours; in Dade County, Florida, guard training is in-service only; and in Chicago, since guards are almost all off-duty policemen, they do not receive additional formal training.

Since the Panel is recommending a new concept in people management for safety purposes, it is recommending that four-week training programs be conducted for Student Service Coordinators and Officers. In addition, the program schedule provides two weeks of field experience and two more weeks of performance evaluation, review and on-the-job orientation. This plan can be reduced, if necessary, to meet time and budgetary considerations. What is most important is that the program equip Student Service personnel to assume a preventive, service-oriented role rather than that of enforcers of the law.

It is not desirable to have Service Officers attend police academies, mix with police officers and acquire a police philosophy. A successful school safety program must contribute toward the educational process and the improvement of group and interpersonal relations.

Some of the instructors for the proposed program could be drawn from principals, deans, and counselors, as well as from the New York Police Academy, youth organization representatives, NYCLU, parent groups, students, Community Action Groups, UFT Teacher Centers, narcotics experts, and private security representatives. There should also be a number of behavioral scientists included, especially some who are known as community psychologists. Training, to be effective, must be a continuing procedure. This might be accomplished through bulletins, in-service sessions and conferences.

Because a new training program must be devised and conducted to meet the immediate need, it is recommended that outside professional help be employed to develop this unique program. Funding for such a contract might well be available from the Criminal Justice Coordinating Council.

1. Student Service Coordinator Orientation (146 hours, 4 weeks):
    - A. Introduction to the Board of Education, the New York City public school system, and the school community:
        Board's functions, structure; philosophy; structure and functions of a typical school and school district; community control; identification of nonschool personnel significant to school—local police, community leaders, etc.: 5 hours.
    - B. Introduction to the Student Service Coordinator function:
        Student service department, function, structure; philosophy of Student Service Coordinator role; relationship to educational function; channels of communication, educational hierarchy; job description and performance standards: 5 hours.

1. Student Service Coordinator Orientation—Continued
    - C. Interpersonal skills development:
        - Principles governing human behavior; urban environment; current trends in New York City affairs—population, economic and social conditions, and the school as a focal point of social change; introduction to nature of crime and criminals; principles of social psychology with attention to ethnic relationships and intergroup tensions: 40 hours.
    - D. Introduction to the criminal justice process:
        - Relationships between federal, state, and city governments; basics of a law suit, civil and criminal court proceedings; role of the police, district attorney, judges, jury, legal aid and the defense attorney; note taking and report writing; interviews, interrogations, statements; emergency aid to persons; recognizing and handling abnormal people; New York City Police Department functions and structure, rules, and regulations: 10 hours.
    - E. Selected aspects of New York penal law:
        - Statutes most frequently used by patrolmen and detectives, including: assault, conspiracy, sex offenses, damage to and intrusion upon property, larceny, robbery, bribery, official misconduct, drug offenses, gambling offenses, offenses against public order, firearms and dangerous weapons: 10 hours.
    - F. Physical training and law enforcement techniques:
        - Calisthenics; handling emergency situations (bombs, bomb threats, etc.); search and frisk procedures; group control; first aid: 36 hours.
    - G. Sensitivity training:
        - T-Group experience with emphasis on group interaction and values related to behavior: 40 hours.
2. Student Service Officer Orientation (141 hours, 4 weeks):
    - A. Introduction to the Board of Education and the New York City public school system:
        - Board's function, structure; philosophy; community control; structure and functions of a typical school: 10 hours.
    - B. Introduction to the Student Service Officer function:
        - Student Service Department, function, structure; philosophy of Student Service Officer role: relationship to education function; job description and performance standards: 5 hours.
    - C. Interpersonal skills development:
        - Principles governing human behavior; urban environment; current trends in New York City affairs—population, economic and social conditions, and the school as a focal point of social change; introduction to nature of crime and criminals; principles of social psychology: 50 hours.
    - D. Introduction to the criminal justice process:
        - Relationship between federal, state, and city governments; basics of a law suit, civil and criminal court proceedings; role of the police, district attorney, judges, jury, legal aid and the defense attorney: 20 hours.
    - E. Selected aspects of New York penal law
        - Selected statutes most frequently used by patrolmen and detectives, including: assault, conspiracy, sex offenses, damages to and intrustion upon property, official misconduct, drug offenses, gambling offenses, offenses against public order, firearms and dangerous weapons: 20 hours.
    - F. Physical conditioning:
        - Calisthenics, defensive tactics: 36 hours.
3. For Both Officers and Coordinators:
    - A. Field experience (80 hours, 2 weeks):
        - Trainees will perform the duties of a Student Service Officer or Coordinator in selected public schools and district under the supervision of a training instructor and school officials involved in security
    - B. Training evaluation, review and orientation to permanent assignment 80 hours, 2 weeks):
        1. Human behavior and civil rights:
            - A socio-psychological view of social change and its impact on public schools in New York City: 16 hours.

3. For Both Officers and Coordinators—Continued
  B. Training evaluation, review and orientation—Continued
    2. Review of unarmed defense techniques:
      Reinforcement of established physical fitness habits: 18 hours.
    3. Self-critique seminar:
      Self evaluation of curriculum, instruction and field experience: 6 hours.
    4. Orientation to permanent assignment:
      During the first week at the school or district to which the recruit is permanently assigned, school officials will orient the new Service Officer or Coordinator to the school, the geography of the neighborhood, any policies peculiar to the school or District, the sociology of the school and its community populations, and local crime patterns: 40 hours.

4. Principals:

Because many of the problems which have brought about this pressing need for safety personnel are relatively new to those in the New York City schools, a training program for principals (and a subsequent course for teachers and other school staff) should deal with school-community problems, riots, political activities, confrontations, how to deal with (not how to avoid) the drug problem, as well as interpersonal relations.

Extensive research by the study staff disclosed no existing course to prepare principals to assume their responsibility to deal on a day-to-day basis with safety problems. Principals need training in how to respond to political activists, how to recognize a brewing crisis, what to do with a non-negotiable demand, when to call the police, how to select the inhouse or community personnel to deal with certain situations and sensitivity training which focuses on such particular problem areas as the disaffected or frustrated student and the community which is expressing hostility to school policy. The Panel believes there is a great need for such training on the part of most principals and that if it were expected of them they would cooperate.

One result of the training should be the preparation by each principal of a total safety plan for his or her school to deal with the safety of persons and with necessary building improvement (locks, window replacement, etc.) as well as the role of personnel, including students, teachers, Student Service Officers, and the police. Since such a training program would have national implications and usefulness, its development ought to be underwritten by one of several governmental or foundation sources.

IV. ADVOCACY OF STUDENTS' RIGHTS

All of the Student Service personnel in the world will not curb disorders nor stop vandalism in schools where students feel increasingly hostile to the administration and the faculty and have no outlet for expressing that hostility. These angry emotions sometimes arise from single misunderstandings, but more often they result from frustration with an unsuitable curriculum, a depersonalized, oversized school register, an uneasy or even hostile staff.

While long-range planning will be required to alleviate many of the ills that make schools unstable, machinery could be established at once which would enable students to defuse their anger and to air their grievances before a group that can adjudicate them in their own school.

Since each school has a different mix of students, teachers, and parent and community input, each principal with the aid of parents, teachers, and students will need to determine the mechanism best suited to the climate of his or her school. In making the decision it is important to remember that often a single affront—a jostle, a wrong name called, or a challenge felt to be unfair—can flare up into a schoolwide incident. Only if the person or persons charged with hearing this complaint have the strong backing of the principal and enthusiastic acceptance by the students, teachers, and parents can they function in any meaningful way.

Among the devices that have been used successfully in other school systems are ombudsmen and school safety committees. If a committee is to be selected, it is recommended that students select student members, teachers select teachers, and parents select parents. In any case, the principal must remain in charge so that those aggrieved know that they can get *action*, not just an opportunity to be heard.

V. CONCLUSIONS

If the steps regarding personnel, training, and advocacy of student rights outlined in this report are taken at once, the Panel believes that the students, staff, and parents will view the September 1972 opening of school with greater optimism. Once the school year is safely under way, planning to improve many other areas that contribute to a healthy learning atmosphere can begin. Such basic steps as the training of principals and the installation of anti-vandalism equipment should produce quickly visible improvements while revisions of school registers, plants, and curriculum can only occur after lengthier consideration.

However, it is the firm belief of the Panel that concentration on involvement of the community and response to the needs of the students can quickly begin to reduce negative incidents in the schools and build a positive atmosphere in which education can be maximized.

APPENDIX A

The Academy for Educational Development staff for the study are Rexford G. Moon, Jr., Senior Vice President and Director of Studies (Director); and Mary Ellen Goodman, Associate Study Director. Under the direction of this staff, the following major activities have been undertaken to date:

1. Visits to 18 schools, including three in Community School Districts. In each school the principals, the administrator in charge of security, and several security guards were interviewed.
2. Interviews with the Chancellor, Police Commissioner and 28 other people interested and involved in the schools. These included 11 officials at the Board of Education, presidents of two professional organizations, two students, the president of the Association of Community School Boards, 4 police officials, 4 city officials, and staff members of the Criminal Justice Coordinating Committee, the American Jewish Committee, and the New York Civil Liberties Union.
3. Visits to four cities: Chicago; Washington, D.C.; Flint, Michigan; and Prince Georges County, Maryland. In each city the Director of School Security, school officials, and guards were interviewed. Examination of the data on security programs in 22 other cities.
4. Interviews with leaders of the Major Task Force on Education and a day spent with a Task Force team.
5. Consultants' reports from: John Powell, former Director of Security and Assistant Dean of Students at Yale University; Joseph Grealy, President of the International Association of School Security Directors; Harvey Oosdyk, Director of Hollow, Inc., a training institute for street workers; S. J. Vestermark, Jr., a consultant on controlling collective violence; and Elizabeth Burba, Director of the Alliance for a Safer New York.
6. A questionnaire survey sent to the principals of 92 high schools and to the Community School Boards for distribution to the 163 junior high school principals. There has been about a 60% response so far.
7. Search of the literature, including books on educational philosophy as it relates to security, reports from individual school systems, and data on anti-vandalism devices and how to handle riots and bomb threats.
8. Case students in depth of a number of troubled schools during which 250 students, 35 administrators, 51 teachers, and 27 security guards were interviewed.

PANEL ON SCHOOL SECURITY PROGRAM OF THE NYC BOARD OF EDUCATION

STEPHEN BAILEY, Professor of Political Science, Maxwell Graduate School of Citizenship and Public Affairs; Chairman, Policy Institute of the University Research Corporation, Syracuse University; member, Board of Regents, State of New York; author, *Disruption in Urban Public Secondary Schools*.

SAMUEL BROWNELL, *Panel Chairman*, Professor of Urban Educational Administration, Yale; Chairman of the Board, Academy for Educational Development; formerly: Superintendent of Schools, Detroit; U.S. Commissioner of Education.

EUGENE CALLENDER, President, New York Urban Coalition; former Executive Director, New York Urban League. While at League established Harlem Prep and street academies; at Coalition inaugurated minischools now a part of New York public high schools.

BIAGIO DE LIETO, Chief of Police, New Haven; formerly Director, New Haven Police Academy; Director, Youth Division, New Haven Police Department;

graduate in Police Science Administration, New Haven University; graduate F.B.I. National Academy; graduate Delinquency Institute, U.C.L.A.

EDMUND GORDON, Chairman, Department of Guidance, Teachers College; Director of ERIC on the Disadvantaged; Research Assistant Professor of Pediatrics, Albert Einstein College of Medicine; Director, National Center for Research and Information on Equal Educational Opportunity.

MARY KOHLER, Executive Director, National Commission on Resources for Youth; formerly: Director of Neighborhood Youth Corps; member New York City Board of Education; Juvenile Court Judge, San Francisco.

STAFF FOR THE ACADEMY FOR EDUCATIONAL DEVELOPMENT, INC.

REXFORD G. MOON, JR., Senior Vice President and *Study Director*. Director of numerous studies being conducted by the Academy for Educational Development. Formerly Director, College Scholarship Service of the College Entrance Examination Board; Consultant to colleges and universities, the Ford Foundation, U.S. Office of Education, various states, and Puerto Rico; Member, Governor's Committee on Scholastic Achievement (New York).

MARY ELLEN GOODMAN, *Associate Study Director*. Formerly Executive Editor, Greenleigh Associates; Researcher, Nelson Associates (analyst for Select Committee on Future of Private Higher Education in New York State, McGeorge Bundy, Chairman).

[Enclosure 4]

BOARD OF EDUCATION OF THE CITY OF NEW YORK,
Brooklyn, N.Y.

News Bureau, Office of Education Information
Services and Public Relations.

A wide-ranging change in the approach to school safety was announced today (July 27) by Harvey B. Scribner, Chancellor of the City's public schools. Calling it "a new and comprehensive approach" the Chancellor sketched the broad outlines of a school safety program that will utilize more than a million dollars of new funds.

Dr. Scribner also revealed that a new position as Chief Administrator for School Safety was being established, and a former Assistant Chief Inspector in the New York City Police Department, Eldridge Waith, has been appointed to fill it. Mr. Waith, who is currently Commissioner of Public Safety in the U.S. Virgin Islands, will leave that job to direct the new school safety program in August.

The Chancellor said new steps in the continuing effort of the Board of Education and the Office of the Chancellor "to guarantee students, staff and parents safer learning environments," are needed in New York City public schools. At a news conference in Manhattan, Dr. Scribner released a report, "The Need for Immediate Action," prepared at his direction by a panel of the Academy for Educational Development, Inc.

In the panel's 33-page report, it called for new "ways to establish a fear-free environment" in the public schools. The Panel was unanimous in its feeling that "the emphasis must be on understanding and forewarning of problems rather than on punitive action against perpetrators."

The report has been adopted in concept by the Central Board and the Chancellor, and the school safety program announced by the Chancellor will follow this general direction.

"Simply put," Dr. Scribner said, "the objective is to place trained people in the schools who can work constructively with students and staff to make the schools less prone to incidents, and who can cope rationally and effectively with incidents when they do occur." The safety programs will be initiated in the centralized high schools and the program will also be offered to all the 31 decentralized districts which operate the elementary and junior high schools.

The report recommends the use of "student service officers"—specially trained adults, selected by principals, who will work not only at the business of school security, but also with students and staff to diminish tensions and resolve frustrations before they grow into incidents of violence or disruption. The "student service officers" will be trained both in public safety measures and in basic principles of human relations.

"Recognizing that most trouble in the schools is a reflection of the society beyond the schoolroom door," the report says, "the Panel agreed that the primary emphasis must be on community involvement to engender community respect for its educational institutions. Such involvement and respect," the Panel wrote, "will provide more security than any number of police, guards, or other security personnel."

In "The Need for Immediate Action" the Panel's major recommendations are:

1. Responsibility for the application of the guidelines designed to meet the designated objectives should be delegated by the Chancellor to an Administrator of School Safety whose sole responsibility would be to administer the safety program.

2. Specialized personnel should be assigned in the schools to work in the safety program.

Personnel to be selected should include:

a. Student Service Officers—in the number to be determined by the Administrator of School Safety in consultation with high school principals and District superintendents.

b. Student Service Coordinators—twenty professionals—former teachers, lawyers, policemen, etc.—to serve in teams of two as sources of information, advice, supervision, and emergency aid. They would provide a continuing liaison between the central board and the high schools and community districts on matters of safety.

The panel also recommended "an effective grievance machinery" to be established in each school. Such a proceedure should be set up by each school's principal, it was suggested, so that the needs of each school's community could be best met. In making the choice of grievance proceedures, the report called for the principals to "keep in mind the need to involve students, teachers, and parents; the need for a way to defuse sudden flareups as well as long-range complaints; and the need for a system which can act on problems brought before it, not just rehash them." Included in the possible forms the grievance machinery might take the report sited "broadly representative committees" or "teacher ombudsmen."

[Enclosure 5]

(For release on presentation Thursday, July 27, 1972, 3 p.m., e.d.t.)

Board of Education of the City of New York
110 Livingston Street, Brooklyn, NY 11201

News Bureau, Office of Education Information
Services and Public Relations

Following is the statement by Dr. Harvey B. Scribner, Chancellor, New York City public schools, at a news conference held at the Warwick Hotel, Manhattan, July 27, 1972, regarding school safety.

Safety in the schools is an issue of paramount importance to the people of this City—parents, students and members of the professional staff. The best efforts of the schools have simply not been sufficient. It is not that the schools have ignored the problem. Rather, the problem has outdistanced the ability of the schools to cope with it—just as crime in the streets often has outstripped the best efforts of public safety and law enforcement authorities.

More needs to be done, and new approaches need to be made. The programs and efforts I am announcing today are new steps in the continuing effort of the Board of Education and my office to guarantee students, staff and parents safer learning environments.

First, I am announcing the appointment of Mr. Eldridge Waith as Chief Administrator for School Safety in this City. This is a new position. Mr. Waith will be responsible for leadership of safety personnel and safety programs in the centralized schools (specifically, the high schools), for liaison with the Community School Districts, and for the operation of training programs for safety personnel. Mr. Waith is currently Commissioner of Public Safety in the Virgin Islands. He was formerly an Assistant Chief Inspector in the New York City Police Department. He will have direct access to me.

Second, I am announcing the broad outlines of a new approach in the use of school safety personnel. This approach is described in a report, which I am making public today. This report, prepared by the Academy for Educational Development, has recently been adopted in concept by the Board of Education and me. This report recommends the use of "student service officers"—specially trained adults, selected by principals, who will work not only at the business of school security, but also at working with students and staff to diminish tensions and resolve frustrations before they grow into incidents of violence or disruption. The student service officers will be trained both in public safety measures and in basic principles of human relations. Simply put, the objective is to place trained people in the schools who can work constructively with students and staff to make the schools less prone to incidents, and who can cope rationally and effectively with incidents when they do occur. Mr. Waith will have direct leadership responsibility for this program for the high schools because they are centrally managed. He will work in cooperation with the Community School Districts in developing similar safety programs and personnel for those Districts which want to move in this direction for the schools under their jurisdiction.

Third, to support this program, I am announcing that my office is seeking new funds totalling more than $1,000,000.

A proposal to train twenty student service coordinators and up to two hundred student service officers to implement the new safety program has been submitted to the Mayor's Criminal Justice Coordinating Council. The training program will emphasize community understanding and sensitivity training as well as legal and safety procedures. The training program is expected to begin in mid-August and conclude just before the re-opening of school in September. The training program will cost just under $80,000. We have verbal assurances of funding from the Criminal Justice Coordinating Council.

In addition, my office is submitting a proposal to the City's Bureau of the Budget requesting approximately $1 million in Federal Emergency Employment Act funds. These funds will be used to pay for approximately 160 student service officers who will work in the high schools. Other safety personnel in the schools of this City will continue to be paid from tax levy funds. I have been assured by the Bureau of the Budget that this funding proposal will be given high priority by the City, and that we will have full cooperation from the Budget Bureau in obtaining these funds which come from the Federal Government through the City Administration.

As a way of emphasizing that this is both a new and comprehensive approach to school safety, I wish to call special attention to these points contained in the report on school safety personnel and practices:

". . . The primary emphasis must be on community involvement to engender community respect for its educational institutions. Such involvement and respect will provide more security than any number of police, guards, or other security personnel." (Page 3)

"Principals should receive special training on how to respond to the new types of problems arising in schools today." Principals should be equipped to deal with such problems as "the disaffected student and the community expressing hostility to the school." Principals "should be expected to develop a safety plan for their own schools, determining the proper use of police, school service officers, teachers, parents and students." (Pages 7 and 8)

Effective complaint machinery "should be established in each school." The report speaks specifically of machinery "which can act on problems brought before it, not just rehash them." (Page 8)

[Enclosure 6]

BOARD OF EDUCATION OF THE CITY OF NEW YORK,
Brooklyn, N.Y., May 10, 1972.

Hon. JOHN V. LINDSAY,
Mayor of the City of New York,
City Hall, New York, N.Y.

DEAR MAYOR LINDSAY: In response to your concern for safety in the schools expressed in your letter of May 3, I wish to bring the following efforts and programs to your attention:

First, my administration has consistently advocated alternative forms of education, particularly though not exclusively at the high school level, as a means not only of generating greater opportunities for students but also as a way of lessening student disaffection and frustration which contribute to acts of disruption and a level of tension. Among the programs which we have supported are Cooperative Education, Auxiliary Services for High Schools, the Satellite Academies, Park East High School, the mini-schools within Haaren High School, and the dozen or more academy-style alternative high schools created within the current school year.

Second, my administration has consistently advocated smaller schools. It is my strong opinion that large schools inevitably breed impersonality and tension, and result in diminished learning opportunities. Our efforts are reflected in the work of the Office of School Planning and Research, and in our capital budget program.

Third, my administration continues to work for the more extensive use of school facilities—in the form of year-round programs and evening programs. We are doing so for two purposes—to generate another kind of option for students, and to obtain maximum use of costly school facilities.

Fourth, my administration has worked hard at reducing overcrowding by urging the use of leased educational space in non-school buildings. This effort is reflected in the work of the Office of School Planning and Research, and in our capital budget program.

Fifth, my administration has consistently encouraged the involvement of parents and students in educational decision-making—a factor of governance which has a good deal to do with the tone, character, atmosphere, usefulness and, ultimately, the safety of schools.

Sixth, my administration is seeking to improve the level of services to the non-English-speaking student. This area, too, it seems to me, is related at some level to the stability of a given school.

Seventh, my administration has provided new principals in five especially volatile high schools—Benjamin Franklin, George Washington, Julia Richman, Port Richmond and Eastern District. Although these schools continue to experience some problems, they are dramatically less explosive today and making significant educational progress. I believe the brand of educational leadership in these schools is a major factor.

Eighth, my administration has formed a School Stability Team which undertakes analytical studies of the factors of school stability and instability, as well as two Security Guard Mobile Units which are deployed to trouble spots to provide special help on a short-term basis.

Ninth, my administration has recently informed all high school principals that they may, if they choose, convert existing tax levy positions in their schools to funds for security guards or other security-related efforts.

Tenth, my administration has repeatedly informed the high school principals of the steps permitted under law, including suspension, with regard to the seriously disruptive student, including the student who does not attend classes and persistently loiters in the school or on school property and represents a danger to others.

Eleventh, my administration has sought additional funds in both 1971–72 and 1972–73 for additional security services for the schools.

Finally, I personally have spoken against violence and violent acts in schools on numerous occasions, the first time in a citywide school communication in November 1970 and most recently in a speech to the National Council of Women in New York City on April 18, 1972.

I bring these points to your attention for the purpose of assuring you that the matter of safety in schools is—and has been—a matter of high priority to my administration. I am not satisfied that the schools are as safe as they should be—one criminal act against a student or staff member is too much. I am likewise convinced that the causes of crime and violence are complex and multiple for this reason, I believe the schools must support programs not only in such short-term areas as security guards but also in the long-range reform of educational opportunities and systems of school governance.

I share your concern for safety in the schools. Please be assured that my administration is sensitive to the problem, and working on it. And please accept my sincere thanks for the continuing assistance of your staff and members of the City Administration.

With my best personal wishes.

Sincerely,

HARVEY B. SCRIBNER,
Chancellor.

[Enclosure 7]

BOARD OF EDUCATION OF THE CITY OF NEW YORK,
OFFICE OF THE SUPERINTENDENT OF SCHOOLS,
March 24, 1969.

To: District Superintendents, Unit Administrators, and all Principals

Ladies and Gentlemen:

STUDENT PARTICIPATION AND SCHOOL SECURITY

You will be interested in the attached:

1. Statement of the President of the Board of Education
2. Statement of the Superintendent of Schools
3. Report of the Committee on Student Participation in High School Affairs (whose members include principals, teachers, parents and student representatives)

which deals with student participation and school security.

Principals are expected to make appropriate plans to implement those provisions that apply to their schools.

Very truly yours,

NATHAN BROWN,
Executive Deputy Superintendent.

ATTACHMENT NO. 1 TO SPECIAL CIRCULAR NO. 77 1968–69

March 22, 1969

The following statement was made today by John Doar, President
President of the Board of Education.

The Board of Education is determined to see that the New York Public Schools are places where children can learn and teachers can teach without disruption, disorder or violence.

We intend to reaffirm and strengthen the schools' disciplinary policies and procedures to be certain that the range of penalties is relevant to the transgressions involved and to the necessity of maintaining an atmosphere in the schools conducive to learning and to insure the safety and welfare of students and teachers. We recognize the need for providing alternative educational opportunities for those students who are unable to function within the normal educational framework of the public schools.

In order to ensure the safety and welfare of pupils and teachers, the Board of Education states and reaffirms the following policies:

1. No person shall be admitted into the schools unless he has legitimate business in the building. The provisions of the penal law with respect to loitering in and about the schools shall be enforced.

2. Rules, regulations, Board of Education By-laws relating to the conduct of individuals, student organizations, extra and co-curricular activities shall be followed. Principals shall be responsible for making these clear, enforcing them, and they will be supported by the authority of the Board of Education and the Superintendent of Schools.

3. Firm action shall be taken against students and others who commit criminal or disruptive acts. Charges, prosecutions, and suspensions, where appropriate, shall be pursued.

4. Encouragement by teachers of disruptive activity by students shall be considered conduct unbecoming a teacher and shall be the basis for disciplinary action.

5. Security aides will be assigned to a number of buildings for the balance of this year, and expanded next year if necessary, to assist in controlling access and patrolling the buildings.

6. Arrangements have been made for more rapid police response at the request of school officials. Where action is required to maintain order in the schools, we expect our principals and supervisors to take that action and we will support it.

The Board of Education's Law and Legislation Committee is now preparing specific guidelines covering disciplinary procedures and other areas of students' rights and responsibilities which will assure compliance with fundamental rules of fairness.

The operation of our schools depends upon the consent of the students and their parents to accept decisions made by school authorities. We appeal to students and parents for that consent. We pledge that the opportunity to charge our school policies will always be available to any student or to his parent. We know that with the support of the students and their parents, the problems that now confront school authorities can be solved.

Finally, we have carefully reviewed the statement of Superintendent of Schools Bernard Donovan and endorse his action in spelling out certain specific means to maintain our schools as places of education.

STATEMENT BY SUPERINTENDENT OF SCHOOLS DR. BERNARD E. DONOVAN, CITY OF NEW YORK

All of us are deeply concerned about the security of the instructional program and the safety of the students within the schools.

There is a growing unrest among some segments of the student population which has evidenced itself in disorder within several schools. Part of this unrest is a desire on the part of pupils to have a greater voice in those aspects of the administration of the school which affect them most directly. At the same time, there are many students whose disaffection for the regular school program is known to the school administrators and there are others who are pursuing disorder in schools as a part of an organized program that goes beyond the individual school.

There is no question in my mind about the need of more effective representation of the students in the affairs of the schools. In order to develop recommendations for realistic student participation, I appointed a representative committee under the chairmanship of Deputy Superintendent Seelig Lester. The committee of sixteen included high school principals, teachers, parents and students. Attached to this memorandum is a copy of that committee's report.

I believe the committee has recommended very practical, positive steps to improve the participation of students in high school affairs. Many of the proposals are already in operation in many schools. It is my desire to have all high schools proceed to the implementation of the committee's recommendations as rapidly as possible. The procedures provide for effective representation and discussion. This will be meaningful only if the principal uses the results of such discussion as a guide to school policy.

In addition, and in order to provide an atmosphere in which an effective instructional program can be maintained, the following procedures are recommended, with the full recognition that some principals have already introduced such practices in their schools:

FOR SCHOOL SECURITY AND PUPIL SAFETY

1. Most principals have already established an organization to ensure security procedures within their buildings. One type of organization which has proven to be effective is the assignment of the member of the supervisory staff as the person immediately responsible to the principal for school security.

2. This designated staff member should be the person to contact police and other community and city agencies in all matters pertaining to the security of the school.

3. Every student should be provided by the school with some means of identifying himself to ensure that intruders may be promptly excluded.

4. All schools doors should be locked from the outside but, of course, readily openable from the inside in case of emergency. The only doors which should be open from the outside are those leading to the main office of the building. I am requesting the Executive Director of the Office of School Buildings to give special emergency attention to those schools which require assistance in this area.

5. For the balance of this school year, we have established a pilot program providing security guards for selected schools. The persons being recruited will meet city-wide standards for this position and will undergo training before assignment. If successful, we plan to expand this program to other schools in September 1969 with additional full time security personnel.

6. Pupils violating school regulations should be dealt with in accordance with regularly established school procedures including suspension if necessary. Such

suspension should be in accord with the centrally determined regulations: notice to parents, conferences with parents, decisions regarding future educational placement. These procedures are being reviewed in order to determine whether they adequately safeguard the interests of the school system and its students.

7. To the fullest extent possible under the law, legal action should be taken against any pupil who has engaged in a determined assault on another pupil or teacher. Any student or teacher who is a witness or complaint shall be accompanied to court by a member of the Board's legal staff.

8. Any teacher assisting or encouraging pupils in the violation of appropriate school regulations should be charged with conduct undercoming a teacher and the principal should follow the regular due process procedures in such cases.

ADMISSION TO THE BUILDING

Although the school is considered a public agency, the principal has the right to limit admission to the building to those persons having legitimate business within the building. This normally includes parents who are seeking information about their children, representatives or vendors doing business with the school, representatives of governmental agencies and other persons invited to the school by the principal for specific purposes.

All persons entering a school are customarily met by a member of the staff or a school aide and escorted to the general office for further information or direction. No person is entitled to go beyond that portion of the school building without the specific approval of the principal's representative and without the issuance of a pass indicating such approval.

No pupil or teacher from any other school should be permitted into the school building during school hours unless that teacher or pupil has been invited for a specific purpose by the principal of the school.

Any adult violating the law either inside or immediately adjacent to the school building should be dealt with by law enforcement officials. The penal law 722B states that loiterers in the vicinity of schools or trespassers on school property are subject to arrest for disorderly conduct.

STUDENT ORGANIZATIONS AND ACTIVITIES

The By-Laws of the Board of Education clearly state that all school activities and student organizations shall be under the general supervision of the principal of the school and each shall have a qualified member of the staff as adviser. This includes matters relating to the production and distribution of literature in the school.

No activities of any school organization, or of any group of students shall take place in the school, on school property, or at any school sponsored function unless approved by the principal and the adviser is present.

COORDINATION OF AGENCY ASSISTANCE

Since the problem of student unrest is not limited to school-based factors, it is essential that there be supportive cooperation from other agencies concerned with youth and public security.

The advisability of establishing school-community committees has been recognized and adopted by many schools. The expansion of such a practice to all schools is essential. The school-community committee should act as a consultative body and does not supersede the authority of the principal in school matters.

A bridge should be built between the school and those agencies which can provide constructive assistance toward our goal of appropriate student participation and a secure learning environment.

SCHOOL PROGRAMS

Several efforts are made to provide different types of school programs for certain students who do not seem to relate to the regular instructional program and for whom the school seems to serve no adequate purpose. A group of high school principals has been working with Assistant Superintendent Jacob Zack to develop special programs to be funded under State Urban Education Act. The correlated curriculum, the expansion of the work-study program and the move toward the comprehensive high school are all geared in this direction.

We are also making special efforts to provide new procedures for the handling of students who have been arrested for criminal activities and for those involved in the use of narcotics.

The purpose of the high school is to educate all the children that attend the school and it is our professional business to find alternate means of assistance for those few pupils whose problems are beyond the ability of the high schools to handle.

We intend to press vigorously to expand programs designed to provide an appropriate educational setting for pupils who have clearly demonstrated an inability to relate to the normal school environment. In this effort we must have the cooperation of all city and state agencies concerned with the problems and welfare of youth in our community.

ATTACHMENT NO. 3 TO SPECIAL CIRCULAR NO. 77, 1968–69, MARCH 18, 1969

REPORT OF THE COMMITTEE ON STUDENT PARTICIPATION IN HIGH SCHOOL AFFAIRS

Your committee has very carefully considered the mission assigned to it. It has concluded that while our high schools have for many many years sought to develop democratically elected student government organizations which would have, or could have, provided channels for responsible participation in school affairs, changing times and changing conditions have resulted in a situation whereby many of these organizations have been effective to a degree which has not always reached expectations. However, some of them have not been able to succeed in involving a sufficient proportion of the student body, so that the desired degree of student involvement could have been accomplished.

We feel very strongly that the Student Government Organization must be part of the educational process, that it should be a laboratory for the development of skills in the democratic process, and that through a good educational experience of this kind our young people could be prepared effectively for their future roles as citizens of these United States. Your committee recognized the need for greater student involvement so that our young citizens in the course of their educational development may be presented with opportunities for assuming new responsibilities and more meaningful functions. In order that this educational goal might be accomplished, your committee sensed the need for opening lines of communication to a greater degree than they had been opened in the past. It appears that the participants in our educational program—particularly the students and their parents—must be fully informed with regard to the structure of our educational system. For example, it is important that the student and his parents know that when the decision of a teacher appears to be unacceptable, there is an avenue of appeal to the department chairman, and from him to the principal, and from him to the local superintendent, and from him to the deputy superintendent of schools, and from him to the superintendent of schools. In short, our students and our parents should be aware that there are always avenues for democratic redress of grievances, real or imaginary.

The recommendations which follow are suggested by your committee in the hope that the base of student involvement in school affairs may be broadened, that the student government organizations be restructured and that the greatest number of students, including those with divergent points of view, might willingly become involved in providing sufficient and constructive channels for developing effective approaches to the solution of school problems that vitally affect them.

Your committee recommends:

1. In each high school there shall be established a consultative council that would be composed of five students, five parents, and five members of the faculty, faculty members to be composed of three teachers, a department chairman and the principal. The chairmanship of the council would rotate among the representative groups. This council would be available as an advisory body to the principal in considering all problems relating to the operation of the school and the expressed desires of all those involved in school processes. It is suggested by the committee that council agreement will be reached by concensus rather

than by vote. Items for consideration by the council can be submitted through council members, as requested by the constituent bodies that they represent, or by individual students, parents, or faculty members who feel a hearing of a point of view is essential. Members of the consultative council should be selected by each duly recognized constituent body of the school or its elected representatives.

2. In restructuring the student council and student government organization it is recommended that:

2.1 Candidates for election to any office on the student council should have a scholastic average of at least 65% and that this minimum average range between 65% and 75% with no failures the previous term or year. The specific requirement within this span is to be determined by committees of students and faculty within each school.

2.2 Any student seeking office will have his name on the ballot on the basis of nominating petitions signed by 5% of the total student population.

2.3 All registered students shall be eligible to vote.

3. The bulletins entitled, "The High School Student and his G. O." and "Developing Student Participation in School Government" should be rewritten in the light of the philosophy and recommendations outlined above. These bulletins should be printed in sufficient quantity so that they would be available to all students interested in participating in school affairs, and to faculty members, so that they all would have an understanding of the inter-relationships among student, faculty, and administration with regard to nonclassroom activities. The four groups represented on the consultative councils should be involved in this rewriting task. Their efforts should be under the leadership of the coordinator of school activities of the High School Office who should be charged with the urgency of the need to have this review completed by the end of this semester so that copies will be available in the schools at the beginning of the next academic year.

It is our hope that through this plan of student participation, vital lines of communication will be established among all members of the school systems. Many students are discussing the need for a voice in the modification and selection of the school curriculum, for changes in the policies governing school publications, for student involvement in the selection of assembly programs, and for consideration in the estabishment of cafeteria practices. Students want the privilege of expressing opinions on the formation of codes of dress and behavior; some others wish to modify student government policies, club and athletic programs. In some schools, there are those who believe that the methods used to elect students to posts of leadership have excluded too many students.

The establishment and operation of a truly representative student council provides a forum for free discussion and can be instrumental in bringing locker room gripes into the realm of positive effective planning so that real solutions to problems may be reached. Restructuring of student government will provide for representatives of both the "in" and "out" group and establish a foundation for a truly democratic vital school system.

[Enclosure 8]

BOARD OF EDUCATION OF THE CITY OF NEW YORK,
OFFICE OF THE CHANCELLOR,
April 7, 1972.

Memorandum.

To: High School Superintendents, Principals of All High Schools.

SCHOOL SAFETY

Ladies and Gentlemen: Many parents, students and staff members are concerned about safety and order in the schools. Many parents and students also are concerned about the educational welfare and individual rights of students with regard to matters of discipline and suspension. Both these concerns are understandable and worthy of response by the schools.

I wish to emphasize these points:

1. The primary responsibility for providing a school environment which is safe and conducive to learning rests with the principal. This responsibility in

part involves safety, an orderly school environment, and the responsible behavior of staff and students. Special Circular 34, 1970–71, contains a number of directives and guidelines regarding school safety.

2. The principal has the responsibility and the authority to suspend a student when suspension is necessary for the safety and welfare of students and staff. The procedures to be followed in student suspensions are set forth in Special Circular 103, 1969–70. They govern both principals' suspensions and superintendents' suspensions.

a. Principals may suspend a student for up to five school days in those cases in which the immediate and temporary removal of the student from the school is deemed necessary and desirable. Such suspensions must be reviewed on a daily basis by the principal.

b. In more serious cases, principals may recommend a suspension by the supervising assistant superintendent. Section 3214 of the State Education Law authorizes such suspensions where the student's conduct "endangers the safety, morals, health or welfare of others." Such suspensions must include a hearing held not later than five school days after the commencement of the suspension. Under the law, the suspension may be continued after the hearing if continuation "appears to be for the best interest of the school and the minor."

c. Before an assistant superintendent's suspension is requested, the school must first explore remedial and guidance measures with the students and his parents. However, where an emergency exists based on overt behavior of the student, in order to protect the health and welfare of other students a superintendent's suspension may be requesed immediately.

d. Where superintendents' suspensions are made and result in transfer of students from the school, staff reallocations will be made. The Office of High Schools will reassign one teaching position from a school for every twenty-five students transferred from the school as the result of a superintendent's suspension. Such positions will be reassigned in accordance with student needs.

3. The student who persistently does not attend classes and loiters in the school or on school property represents both an educational problem and a potential problem in school safety.

a. Principals should provide counseling and guidance assistance to such a student, including a review of the appropriateness of the student's educatonal program. Where possible and appropriate, principals should seek to provide such a student the opportunity to participate in an alternative educational program. (See Memorandum to High School Superintendents and Principals of 4/6/72.)

b. Where the school has exhausted all reasonable guidance and counseling efforts, including the possibility of providing an alternative educational program, and where the student's behavior persists, i.e., persistent loitering in the school or on school property, the principal should determine whether such behavior represents a danger to the safety and welfare of the student involved and/or other students and staff. Where the principal makes such a determination, an assistant superintendent's suspension may be requested.

Sincerely,

HARVEY B. SCRIBNER,
Chancellor.

[Enclosure 9]

Fact Sheet.

TRAINING PROGRAM—BASIC FACTS

The three-week training program for student service officers and student service coordinators will be designed and operated by the Policy Institute of the Syracuse University Research Corporation. Chairman of the Institute is Stephen K. Bailey, member of the New York State Board of Regents.

The training program will use examination of critical incidents, sensitivity training and role playing to:

make safety personnel aware of the feelings and tensions which contribute to school disruptions.

equip safety personnel with knowledge and understanding of how groups in conflict can work toward resolution of their problems.

familiarize safety personnel with community resources which can be of use to students and schools.

The Policy Institute has had extensive experience with urban high schools. In 1970 it prepared a report, *Disruption in Urban Public Secondary Schools*, for the United States Office of Education. This report included a recommendation to re-define the role of school safety personnel and new kinds of training.

Dr. Richard Frost of Syracuse University will direct the training program. He was:

director of Upward Bound for the Office of Economic Opportunity for two years.

principal architect of the study of *Disruption in Urban Public Secondary Schools*.

Assisting Dr. Frost will be Dr. Michael C. Reagan of the Policy Institute and former Chairman of the Drug Abuse Commission of Syracuse. Supporting Dr. Frost and Dr. Reagan will be an interdisciplinary team of professionals, former principals, teachers, policemen, social workers, psychologists, etc.

BOARD OF EDUCATION,
THE CITY OF NEW YORK,
BUREAU FOR HEALTH AND PHYSICAL EDUCATION,
New York, N.Y., June 28, 1972.

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Crime,
House of Representatives,
Washington, D.C.

DEAR SIR: In response to your request, made at the recently conducted Committee Hearings. I am sending you some suggestions for approaches that I believe will contribute to the all important war that needs to be waged against the use of drugs by young people.

In addition to the avenues suggested by the Committee through their cogent question, another route is that all available evidence points strongly to the need for providing our youth with activities that can serve as positive alternatives to using and abusing drugs. Perhaps the program that works best and has been the most effective instrument in the fight is a strong program of athletics. (See enclosed surveys.) Accordingly, I suggest that Congress support Inner City programs that will permit boys and girls to engage in activities such as:

1. Intramurals.
2. Full scale varsity programs in many sports that will appeal to a wide range of interests. New York City presently needs to increase our programs to include wrestling, lacrosse, crew, team handball, hockey and a full program for girls.
3. Provide a Junior Varsity program that would permit the schools to include twice as many youngsters than presently participate and at an early age.
4. Outdoor education programs that would involve youngsters in informal settings that are conducive to work designed to improve the ecology and reduce environmental pollution.

I am enclosing a copy of a proposal for drug abuse prevention that was prepared by some knowledgeable health educators and is worthy of consideration for adoption as a model. Since no single program will provide all the answers, we must cover the entire area with a broad spectrum of approaches.

New York City has more programs, of greater variety, than any other community in the nation. It is unfortunate that the time at the hearing on Tuesday, June 27th did not permit the Committee to hear about the positive aspects of drug abuse education and prevention currently operating in New York City. I would welcome an opportunity to describe some projects of promise and actions that have borne fruit. I am prepared to report such information whenever the Committee can find time to listen.

I hope you will look favorable upon these suggestions, and we stand ready to continue our contributions to our nation's efforts to reduce the scourge of drug abuse that confronts our youth.

Sincerely,

IRWIN TOBIN, *Director.*

Enclosures: (3).

[Enclosure 1]

BUREAU FOR HEATH AND PHYSICAL EDUCATION, NEW YORK, N.Y., MARCH 5, 1972

For Immediate release.
From: John C. Glading, Acting Assistant Director; Jack Kriegsman, Supervisor, P.S.A.L.; Herbert Solomon, Assistant Principal, Susan Wagner High School.
Re the drop-out rate of interscholastic athletes as compared to nonathletes in high schools.

Dr. Brown, the reitred Acting Superintendent of Schools of the New York City Public Schools, stated in September 1969, that one of the primary aims of the school system must be the reduction of the number of students who drop out of school. This problem has assumed disaster proportions in many of our schools.

The coaches of interscholastic teams and the administrators of the physical education program have long been aware of the value of interscholastic sports as the best deterrent available in the schools for preventing the student-athlete from dropping out of school. There is no need to expound upon the loss of economic strength to the individual, the community and the Nation when a student drops out of high school. All measures that prove effective in preventing this economic and human waste must be used to their fullest. To do otherwise is educationally dishonest to the students, the community and the Nation.

A report published on February 13th, 1970 by the Board of Education, Cleveland, Ohio showed that in 1968–69 the per cent of athletic drop-outs was 1.2% as compared to a drop-out rate of 15.8% for male students in general.

A similar study was conducted in the fall of 1969 that involved fifteen high schools in the City of New York. The fifteen high schools included schools from disadvantaged, middle class and the more affluent neighborhoods in each of the five boroughs. This study covered the same three year period 1966–67, 1967–68, 1968–69 as covered in the Cleveland, Ohio study. The total number of athletes involved was approximately 7,657. The number of drop-outs was 96. This is a drop-out rate of .013 or approximately 1.3%. The drop-out rate for regular students ranged from 3.5% to over 25% in these same fifteen high schools.

A follow-up study was conducted at thirty-five high schools in the City of New York for the 1969–70 and 1970–71 school years. The thirty-five high schools included schools from disadvantaged middle-class and more effluent neighborhoods and from each of the five boroughs.

The total number of male athletes involved in 1969–70 was 5,990. This group comprised 12.36% of the male population of the schools involved. The number of athletic drop-outs was 115 or 2.7%. The drop-out rate of non-athletic male students was 4,272 or 8.8%. The number of male athletes graduating was 3,047. The number of male athletes graduating with scholarships was 308 or 10.10%.

The total number of male athletes involved in 1970–71 was 6,326. This group comprised 11.90% of the male population of the schools involved. The number of athletic drop-outs was 122 or 2.8%. The drop-out rate of non-athletic male students was 4,280 or 8.1%. The number of male athletes graduating was 3,117. The number of male athletes graduating with scholarships was 379 or 12.12%.

Each of these surveys show the holding power of interscholastics. Each of these studies are a mandate to the Mayor and the Members of the Board of Estimate to approve the requests for funds necessary to conduct an expanded interscholastic program in the City of New York.

It is a disgrace that no funds are provided to conduct a Freshman and Junior Varsity Program in the City of New York. If these drop-out statistics are important for the varsity athlete then the need of a program for the freshman and sophomores is overwhelming.

BOARD OF EDUCATION, CLEVELAND, EDUCATIONAL DEPARTMENT, DIVISION OF RESEARCH AND DEVELOPMENT—FEBRUARY 13, 1970—BULLETIN NO. 110

Subject: A Report of Participants in Athletics as Related to Drop-Outs and Scholarships for Three Schools Years: 1966–67, 1967–68; 1968–69.
Prepared by: Hallie Francies, Research Associate; and Joseph L. Mazur, Director.

The information included in this bulletin presents the participation of male students in athletics, the numbers of scholarships awarded athletes, and the drop-out rates for athletes as compared with all male students in the high school. For this study an athlete was defined as a male student who was a member of the varsity or junior varsity team of the following sports: Football, Basketball, Wrestling and Track.

CLEVELAND, OHIO, STUDY, 1966-69

Year	Number of athletes	Male students in high schools	Percent of male students in athletics
1. Numbers of male students participating in athletics increased during 3-year period:			
1968-69	2,518	15,566	16.2
1967-68	2,450	15,856	15.5
1966-67	2,390	15,785	15.1

Year	Percent athletic dropouts	Percent male student dropouts
2. The dropout rate of athetes is significantly lower than the dropout rate of male students in 14 high schools which were surveyed:		
1968-69	1.2	15.8
1967-68	1.8	14.3
1966-67	2.0	15.3

Year	Number of athletes graduating	Number of athletes graduating with scholarships	Percent of athletes graduating with scholarships
3. Numbers and percentage of graduating athletes who received scholarships for further education increased during the 3-year period by 31 percent:			
1968-69	758	130	17.2
1967-68	780	129	16.5
1966-67	803	105	13.1

NEW YORK CITY STUDY, 1969-71

[Followup study of New York City male participants in athletics as related to dropouts and scholarships for the school years: 1969-70 and 1970-71]

Year	Number of athletes	Number of male students in the school	Percent of male student athletes
1969-70	5,990	48,407	12.36
1970-71	6,326	52,945	11.90

Year	Number of athletic dropouts	Percent athletic dropouts	Male student dropouts	
			Number	Percent
1969-70	115	2.7	4,272	8.8
1970-71	122	2.8	4,280	8.1

Year	Number of athletes graduating	Athletes graduating with scholarships	
		Number	Percent
1969-70	3,047	308	10.10
1970-71	3,117	379	12.12

Note: These figures are based on athletes reported in all 13 sports conducted by the New York City Public Schools Athletic League

[Enclosure 2]

BUREAU FOR HEALTH AND PHYSICAL EDUCATION, NEW YORK, N.Y., MARCH 3, 1972

For: Immediate release.

From: John C. Glading, Acting Assistant Director, P.S.A.L.; Jack Kriegsman, Supervisor, P.S.A.L.; Herbert Solomon, Assistant Principal, Susan Wagner High School.

Re: Results of Questionnaire on Drug and Substance Abuse Involving Student Athletes in the New York City Public Schools.

The original drug abuse study was carried out during the fall term of 1969 covering the school year 1968–69. A follow-up study was completed during the fall term of 1971 covering the two year period 1969–1971. Both studies are combined in this report so that comparisons and trends can be ascertained. Results were returned from 72 academic and vocational high schools in the City of New York in the 1968–69 study and 33 high schools in the 1969–71 study. A questionnaire was sent to every high school coach in the New York City Public Schools. The questionnaire covered the following sports with the number of teams reporting in parenthesis.

	1968-69	1969-71
Baseball	(51)	(28)
Basketball	(64)	(31)
Bowling	(59)	(27)
Cross country and track	(59)	(27)
Fencing	(21)	(12)
Football	(22)	(12)
Golf	(27)	(18)
Gymnastics	(27)	(18)
Handball	(48)	(24)
Soccer	(46)	(23)
Swimming	(31)	(15)
Tennis	(41)	(23)

Note: The total number of teams reporting was 496 in 1968–69. The total number of teams reporting was 258 in 1969–71.

Where a coach failed to enter the number of athletes on the team, the following number was used:

Baseball	20
Basketball	12
Bowling	10
Cross country	15
Track only	30
Cross country and track combined	30
Fencing	10
Football	20
Golf	7
Gymnastics	18
Handball	8
Soccer	18
Swimming	20
Tennis	10

The results are as follows: 1968–69, total number of athletes reported, 10,840;[1] 1969–71, total number of athletes reported, 6,561.[1]

---

[1] The figure used for the missing number of athletes on a team is, in all cases, well below the average number of team members for any of the above teams. This was done to assure no spurious figure for the total number of athletes involved in the study.

	1968-69	1969-71
Total number of suspected users	221	83
Total number of occasional users	124	128
Total number of known addicts	13	45
Total number of all suspected, occasional, or known users	358	256
Percent of suspected users	.020	.013
1968-69—Approximately 2 out of every 100 athletes or 20 out of every 1,000 athletes are suspected users.		
1969-71—Approximately 1 out of every 100 athletes or 13 out of every 1,000 athletes are suspected users.		
Percent of occasional users	.011	.020
1968-69—Approximately 1 out of every 100 athletes or 11 out of every 1,000 athletes are occasional users.		
1969-71—Approximately 2 out of every 100 athletes or 20 out of every 1,000 athletes are occasional users.		
Percent of known addicts	.001	.007
1968-69—Approximately 1 out of every 1,000 athletes are known addicts.		
1969-71—Approximately 7 out of every 1,000 athletes are known addicts.		

RESULTS OF THE STUDY

The figures show that the drug abuse by athletes in all three categories is infintesimal when compared with the reports of drug abuse among the general high school population. Although the figures are based on the considered opinion of coaches, I feel their observation of the players on their teams is a more accurate and considered estimate than could be given by any other teachers in the high schools. The personal guidance and observation of their players along with the length of time spent with the individual athlete makes their judgement, in my opinion, a more sound estimate than can be obtained from any other segment of the teaching staff.

The percentage figures show the following interesting facts:

1. In all three categories the greatest percentage of drug abuse involved the use of marijuana. This substantiates most of the common thinking as regards drug abuse by high school students.

2. Only 58 cases of known addicts were reported out of a group of 17,401 athletes. Marijuana abuse was again the leading drug involved in this category.

3. A comparison of the two studies, 1968–69 and 1969–71 shows:

(a) A marked increase in the occasional and suspected users of amphetamines.

(b) A marked increase in the occasional users of barbiturates.

(c) A marked decrease in the known addicts category using tranquilizers.

(d) No known heroin addicts were reported in 1968–69. Six known heroin addicts were reported in 1969–71.

(e) No known L.S.D. addicts were reported in 1968–69. Two known L.S.D. addicts were reported in 1969–71.

CONCLUSION

To draw any scientific results from a questionnaire study of this type can be extremely dangerous. To disregard such encouraging figures would be utterly irresponsible. The study clearly shows that the high school interscholastic program in the City of New York is a definite deterrent to the use of drugs by the athletes involved in the program. The study must be considered to show the vital need for a strengthening and enlargement of the present program. *The need for a Freshman and Junior Varsity program is most obvious. If these results are gained with the Varsity athletes then the need for a program for high school freshman and sophomores is overwhelming.* The younger student must be exposed to a full interscholastic program with the expectation that the use of drugs by that group will show similar small percentages. The results are a mandate for the proper funding of a full varsity Freshman and Junior Varsity interscholastic program in the high schools. The funding at present is inadequate and, in light of this study, such neglect must be rectified.

SUSPECTED USERS

	Number of athletes		Opium		Barbituates		Tranquilizers		Marijuana		Amphetamine		LSD		Vol. sol.		Total		Percent	
	69-71	68-69	69-71	68-69	69-71	68-69	69-71	68-69	69-71	68-69	69-71	68-69	69-71	68-69	69-71	68-69	69-71	68-69	69-71	68-69
Baseball	774	1,307	1					1	7	20		3					8	24	0.010	0.018
Basketball	673	1,130		6		2		1	10	63	1	4					11	76	.016	.017
Bowling	414	757				1				11		2					0	14	.000	.019
Track and cross country	1,397	2,260	3	4		4		4	12	22	2	6	1				18	40	.013	.018
Fencing	158	313						1	3	7							3	8	.019	.026
Football	877	1,453		1				1	4	1	1		1				6	3	.007	.002
Golf	193	256		1						6	2						2	7	.010	.027
Gymnastics	436	550								6	8					1	8	7	.018	.013
Handball	329	597			1	1	2		4	4	3	1					10	6	.030	.010
Soccer	612	1,022			1	5			7	12	2	3				2	10	22	.016	.022
Swimming	349	698		1		1			6	7							6	9	.017	.013
Tennis	349	497							1	4		1					1	5	.002	.010
Total	6,561	10,840	4	13	2	14	2	8	54	163	19	20	2	0	0	3	83	221	.013	.020
Approximate percent of suspected drug use:																				
1968-69				.06		.07		.04		.73		.09		0		.01				
1969-71			.05		.02		.02		.65		.23		.02		0					

OCCASIONAL USERS

Baseball	774	1,307			6		1		16	12	1						24	12	0.031	0.009
Basketball	673	1,130	2	4	2	3		4	11	29	2	2		4		2	17	48	.025	.043
Bowling	414	757			1				8		2						11	0	.027	.000
Track and cross country	1,397	2,260		2	7		1		12	21	3		1				24	23	.017	.010
Fencing	158	313								3							0	3	.000	.010
Football	877	1,453	1						8				1				10	0	.011	.000
Golf	193	256			1				2		1						4	0	.021	.000
Gymnastics	436	550			1				6		5						12	0	.028	.000
Handball	329	597					1		3	4	2						6	4	.018	.007
Soccer	612	1,022			2				3	1	3						8	1	.013	.001
Swimming	349	698		1		5			6	9						3	6	18	.017	.026
Tennis	349	497			2		1	1	2	12	1	1		1			6	15	.017	.030
Total	6,561	10,840	3	7	22	8	4	5	77	91	20	3	2	5	0	5	128	124	.020	.011
Approximate percent of occasional drug use:																				
1968–69				.06		.07		.04		.73		.02		.04		.04				
1969–71			.02		.17		.03		.60		.16		.02		.00					

KNOWN ADDICTS

Baseball	774	1,307							4								4	0	0.005	0.000
Basketball	673	1,130	3						3								6	0	.009	.000
Bowling	414	757	1						3								4	0	.010	.000
Track and cross country	1,397	2,260	1		1	2		4	12	3		2	1				15	11	.011	.005
Fencing	158	313															0	0	.000	.000
Football	877	1,453	1						2				1				4	0	.004	.000
Golf	193	256			1				1								2	0	.010	.000
Gymnastics	436	550							2								2	0	.005	.000
Handball	329	597							1								1	0	.003	.000
Soccer	612	1,022			1				2								3	0	.005	.000
Swimming	349	698								2							0	2	.000	.003
Tennis	349	497			1				3								4	0	.012	.000
Total	6,561	10,840	6	0	4	2	0	4	33	5	0	2	2	0	0	0	45	13	.007	.001
Approximate percent of known drug use:																				
1968–69				0		.15		.31		.39		.15		0		0				
1969–71			.13		.09		0		.73		0		.05		0					

Note: 1969–71 refers to 2 school years from September 1969 to June 1971. 1968–69 refers to 1 school year from September 1968 to June 1969.

[Enclosure 3]

BUREAU FOR HEALTH AND PHYSICAL EDUCATION, NEW YORK, N.Y., JUNE 30, 1970

(By Morton Fine and Jerry Sloane)

Proposal: CAN (Coordination Against Narcotics) A Design for Dealing With the Problem of Drug Abuse in New York City Public Schools

PURPOSE

The purpose of "CAN" is to provide a city-wide organization within the New York City school system for coordinating, implementing and evaluating programs dealing with the drug abuse problems. Although focusing on the schools, the organization will provide for articulation with agencies and community groups concerned with the problem.

RATIONALE

Because of the increased awareness of the drug abuse epidemic in city schools, a host of agencies and groups are devising programs that will hopefully correct the growing malignancy. However, because most efforts are being made individually and without coordination, community and school programs are limited in their effectiveness.

There is agreement that the Board of Education must assume educational, advisory and referral responsibilities in regard to the drug problem; however, for the most part, policies, procedures, training of personnel and facilities are imprecise and often not implemented. Because of a lack of organized communication, current efforts throughout the city duplicate one another. Programs are usually conducted without any objective evaluation as to their effectiveness in combatting drug abuse.

Teachers and administrators are uncertain and apprehensive in determining legal, ethical and educational guidelines to follow in preventing and handling the problem.

Law enforcement agencies, the Department of Health and the Addiction Services Agency are just a few of the agencies experiencing difficulties in coordinating their programs with the schools. This is not only inefficient in terms of the time and energy of sorely pressed personnel, but is a disservice to those children who need help so badly.

Currently, schools and communities are struggling to establish themselves as functioning decentralized entities. The problems presented by drug abuse are overwhelming and tend to compound the burdens that school districts and communities already carry.

Schools, districts and communities actively seek comprehensive drug programs. Until such time as evaluated effective programs can be established, there is a need for coordinated service and support.

DESCRIPTION OF THE PROGRAM

CAN will provide the framework whereby services and support will be supplied to schools in order to more effectively combat the drug problem. Services and support will be coordinated and implemented on a city-wide basis by three component units:

A. Research and Development
B. Coordinating Office
C. Task Force

These units will work directly with schools who will be assigned drug education coordinators, and trained paraprofessionals.

The units of CAN will take the initiative in organizing drug education advisory committees on city-wide, borough and community levels for purposes of articulating school programs with all relevant community agencies and groups.

It will be a primary function of CAN to work in close cooperation with existing Board of Education divisions, bureaus and offices. It is not the purpose of CAN to usurp the responsibilities of existing agencies, but rather to supplement their activities. When the diverse elements of the New York City school system have manifested capabilities for conducting effective drug education programs, CAN may be phased out.

ORGANIZATION

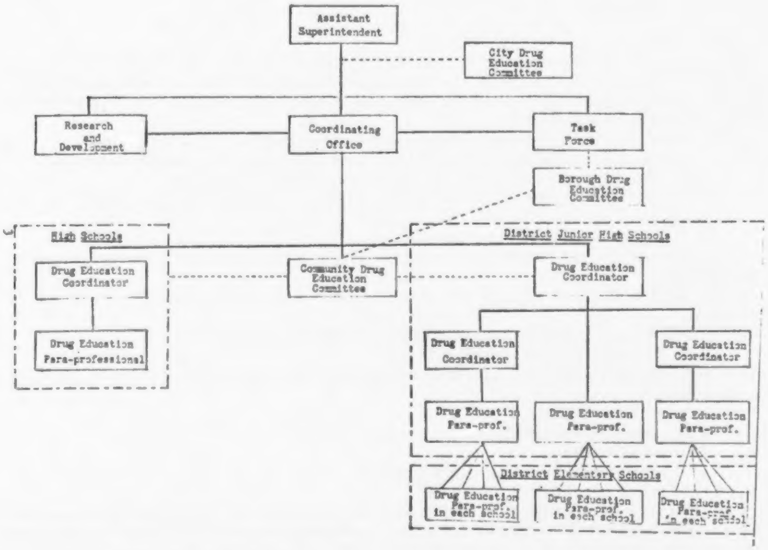
Since the function of CAN is city-wide and the complexity of the drug problem effects many disciplines and cuts across traditional organizational lines, it is recommended that the directorship of CAN be the responsibility of an Assistant Superintendent. He will be charged with:

1. the organizational and administration of CAN.
2. representing the New York City Board of Education on city-wide drug education advisory committee.
3. report to the superintendent of schools.

The chart that follows and the subsequent descriptions of the functions of the various units that make up the coordinating office are efforts to clarify how units will advise and service schools, districts, and a variety of Board of Education divisions, bureaus, and offices.

TABLE OF ORGANIZATION

CAN


Assistant Superintendent
City Drug Education Committee
Research and Development
Coordinating Office
Task Force
Borough Drug Education Committee
High Schools
Drug Education Coordinator
Drug Education Para-professional
Community Drug Education Committee
District Junior High Schools
Drug Education Coordinator
Drug Education Coordinator
Drug Education Coordinator
Drug Education Para-prof.
Drug Education Para-prof.
Drug Education Para-prof.
District Elementary Schools
Drug Education Para-prof. in each school
Drug Education Para-prof. in each school
Drug Education Para-prof. in each school

A. *Research and Development*

FUNCTION

1. Review and evaluate curriculum and teacher training materials and pass on the results of such evaluation to the coordinating offices and task force personnel.
2. To work with bureaus and schools in developing curriculum and pupil-teacher training materials. Research and Development will work closely with bureaus, (BAVI, BCD, etc.) and/or contracted agencies in order to develop materials for 3,550 courses that are proposed in the pages that follow.
3. To develop and review innovative projects.
4. To monitor selected drug education programs and projects.*
5. To work colsely with an evaluation team whose responsibility will be to monitor the CAN program.*

---

*It is recommended that the Bureau of Educational Research decide on the composition of the team that will monitor CAN and its operations, as well as determining the source of the two full time research specialists.

FULL TIME STAFF

(1) Unit Coordinator—Assistant Principal
(2) Curriculum Materials Specialist
(2) Research Sepcialists*
(1) Secretary

B. Coordinating Office

1. To administratively organize the coordinating office, task force, and research and development units and other facets of the project.

2. Serve as a clearinghouse and consultant for all drug problem proposals and projects in the city.

3. To coordinate and seek funding sources for innovative projects.

4. To disseminate information and materials to all concerned personnel and agencies.

FULL TIME STAFF

(1) Unit Coordinator—Assistant Principal
(1) Assistant Unit Coordinator—Teacher
(1) Secretary

C. Task Force

The purpose of establishing a task force will be to provide teams of trained specialists who will be available to help schools and/or districts develop comprehensive programs relating to drug use and abuse. Specifically the functions of the task force are as follows:

1. To assist by identifying programs and providing information.

2. To act as liaison between other CAN units and the schools in order to:
   (a) expedite dissemination of information and materials.
   (b) provide feedback to the CAN units as to the specific needs in the schools.
   (c) assist in all aspects of evaluation.

3. To organize and serve on borough drug education community advisory committees.

4. To meet with the total CAN staff to plan and help evaluate the work of the office.

5. To assist in developing and providing training programs for:
   (a) drug education coordinators.
   (b) teacher trainers who will eventually give orientation courses to other teachers.
   (c) administrators.
   (d) para-professionals.
   (e) pupil leaders.
   (f) parents and community members.
   (g) other specialized personnel.

6. To serve as consultants to such school personnel as drug problems coordinators, administrators, student activity coordinators, health education chairmen and other subject supervisors, attendance officers, guidance counselors and deans, in such matters as:
   (a) the establishment and interpretation of policies and procedures related to school security and referral of pupil users.
   (b) the organization of local drug education community advisory committees.
   (c) preparation of innovative proposals and programs.
   (d) assistance in developing and adapting materials for instruction.
   (e) providing special resource personnel from the task force and the community.
   (f) providing available resource materials.

NATURE AND TRAINING OF THE TASK FORCE UNIT

The task force team will be composed of twelve (12) full time staff members. The diverse functions of the task force indicate that the staff should include individuals from all school levels with skills in varied disciplines. In addition, it is important to include members who have specified experience, training and skills in group dynamics, as well as with drug addiction rehabilitation.

STAFF

Unit coordinator (assistant principal)
(3) Group dynamics specialists
Rehabilitation expert
Attendance teacher
Health educator
Elementary school teacher
Junior high school teacher
High school teacher
Community specialist
Guidance counselor

In addition, the task force will have access to a variety of consultants, such as: Law enforcement specialists, Ex-addicts, Clergy, and Medical personnel.

TRAINING

Although each member of the team will be chosen because of their specific interest, training and ability as related to the drug problem, the entire staff of CAN will go through an intensive training program prior to instituting a city-wide program. The nature of the training program is described in a later section.

To clarify the role of task force members, an example of a typical work week for one task member is described below:

MONDAY

9:30 a.m. to 11:30 a.m.: Meeting with the Bronx drug education advisory committee.

1 p.m. to 3 p.m.: Consultation conference (two [2] other team members) at DeWitt Clinton High School with the principal, drug coordinator, para-professional, and other key school personnel.

3 p.m. to 5:30 p.m.: Lead scheduled seminar for Bronx High School drug coordinators at DeWitt Clinton High School.

TUESDAY

9:30 a.m. to 11:30 a.m.: Junior High School 127 Bronx, consultation conference with drug coordinators, para-professionals, principals and superintendent from District 11.

11:15 a.m. to 12 noon: Junior High School 127 Bronx, consultation conference with drug coordinator and all para-professionals from feeder elementary schools.

1 p.m. to 3 p.m.: Evander Childs consultation conference with drug coordinator and peer-group leadership committee discuss community programs.

3:30 p.m. to 5 p.m.: Phoenix Phelan Place meeting—Bronx director and assistant director of ASA. Topic—School referral procedures.

WEDNESDAY

9:30 a.m. to 11 a.m.: Junior High School 115—Consultation conference with all drug education personnel and superintendent of District 10.

11:15 a.m. to 12 noon: Junior High School 115—Consultation conference with coordinator in charge of District 10 Topic—Innovative proposal.

1 p.m. to 3 p.m.: Morris High School—Drug education curriculum materials review—all Bronx high school chairmen of health education with an assistant director of health education.

3:30 p.m., to 5 p.m.: Bronx Court House—meeting with Bronx Narcotics Squad—Special school problems.

THURSDAY

1 p.m. to 3 p.m.: James Monroe High School—Consultation conference.

3:30 p.m. to 5:30 p.m.: Junior High School 98—Lead scheduled seminar of district drug coordinators.

7:30 p.m. to 9 p.m.: Panelist at drug conference for parents at Columbus High School.

FRIDAY

9:30 a.m. to 11 a.m.: Meeting with CAN research specialist.

11 a.m. 12 noon: Prepare report.

1 p.m. to 5 p.m. Coordinating office meeting—discussion of problem areas and planning for task force approaches.

THE DRUG EDUCATION COORDINATOR

RATIONALE

In the process of developing school programs designed to deal with users and to prevent drug abuse, it has been demonstrated that a drug education coordinator can be of great assistance in the New York City schools and districts.

The drug education coordinator will act as a catalytic agent to involve all segments of the community—parents, teachers, students, therapeutic facilities, police, church, community, political and business organizations—to deal with the problem of drug abuse.

SELECTION OF THE COORDINATOR

The primary purpose of the coordinator will be to establish himself as a person of trust among students, enabling them to feel comfortable in seeking assistance with personal problems, and in particular, problems related to drug use. In addition, the drug education coordinator should be instrumenal in mobilizing pupils, teachers and parents to establish "self help" groups geared to assist one another with personal, as well as, drug problems. The underlying philosophy is that it is "kids who turn one another on and it has to be kids who turn one another off." In this connection, it is vital that the individuals chosen to become coordinators be carefully selected so as to accomplish the purpose described above. In addition, the drug education coordinator will have other functions:

1. Develop school referral procedures for suspected and known drug abusers.
2. Organize a public relations program that educates the community and serves to enlist its aid and support.
3. Organize and conduct discussion groups that enable pupils, administrators and teachers to exchange ideas and feelings about common problems.
4. Assist all subject area personnel in the adaptation and development of innovative and experimental curriculum and materials (A–V materials, books, pamphlets).
5. Organize and develop training and in-service programs for teachers, administrators, para-professionals, and parents.
6. Act as a liaison with agencies concerned with drug abuse.
7. Develop an information center for teachers, students, and parents.
8. Help organize and participate in the district drug education advisory committees.
9. Participate in an on-going training program in conjunction with the units of CAN.
10. Work closely with and help train the drug education para-professional.

The extent of the drug education coordinator's responsibilities indicates a need for assistance, particularly in the area of community involvement. It is therefore proposed that a para-professional who is capable of moving out into the community to help deal with problems, be assigned to each school in a close working relationship with the drug education coordinator. In addition to offering the drug education coordinator assistance, the para-professional will:

1. Visit parents who do not come to school, of users or suspected users. In this connection, the attendance teacher might find such a para-professional to be a valuable adjunct.
2. Will actively communicate with individuals and groups within the community, attempting to mobilize their participation in all aspects of the drug program.

STAFFING

High Schools

One full time coordinator
One para-professional
One secretary

District Elementary and Junior High Schools

1. One full time drug education coordinator will be assigned to each junior high school. Each coordinator will also be responsible for programs in the cluster of feeder elementary schools. One of the coordinators assigned to the district's junior high schools will assume responsibility of coordinating district-wide programs.

2. One para-professional for each school.
3. One secretary to be assigned to the coordinator charged with the responsibility of coordinating the work of the other coordinators in the district.

COMMUNITY DRUG EDUCATION ADVISORY COMMITTEES

The drug abuse problem requires that the entire community be involved in finding solutions. Many groups, agencies and institutions must coordinate their efforts with those of the school if effective action is to be realized. It has already been mentioned that school personnel constantly raise educational, legal, referral, and other questions that mandate the need to articulate programs with other concerned agencies.

Because of this need this proposal includes, as an integral part, the creation of Community Drug Education Advisory Committees on various levels, whose function will be to maximize the coordination of school and community programs. Such committees will be organized as follows:

One city-wide committee
One for each borough
One for each school district

CAN provides for representation on the committees as follows:

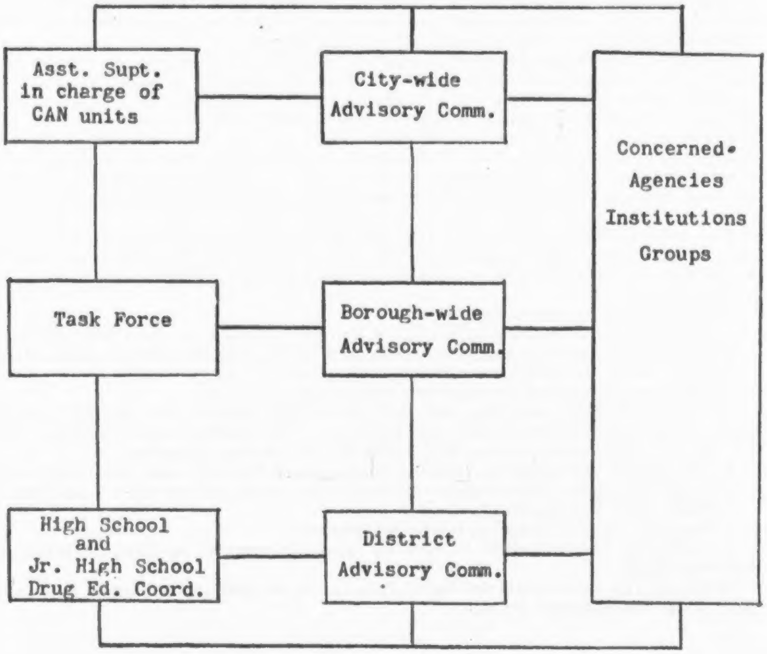
City-wide: The assistant superintendent in charge of all units.

Borough: A task force member who has been active in that particular borough.

District: The drug education coordinator for the district, in addition to one or more high school coordinators whose schools are located within the district.

FUNCTION

It will be the special function of these committees to act as an advisory body to both schools and community agencies. These committees will be established at the initiative of CAN personnel who will be represented on the committee.


Asst. Supt. in charge of CAN units
City-wide Advisory Comm.
Concerned Agencies Institutions Groups
Task Force
Borough-wide Advisory Comm.
High School and Jr. High School Drug Ed. Coord.
District Advisory Comm.

MEMBERSHIP OF DRUG EDUCATION ADVISORY COMMITTEES

It is expected that the make-up of advisory committees will vary in different localities. Below are some suggestions as to their membership.

Citywide	Borough	District
Mayor's office	Borough president	Councilman's office.
Police commissioner	District attorney's office	Local police precinct.
UFT	UFT	UFT.
Assistant superintendent in charge of CAN	Task force representative	District drug education coordination, high school drug education coordination (could be more than on district superintendent).
Human resources administration, ASA	ASA (borough director)	ASA (local COC).
Department of health	Department of health (borough representative).	Department of health (district representative).
New York State Narcotics Control Commission.	New York State NACC	New York State NACC.
CSA	CSA	CSA.
Department of hospitals	Department of hospitals	Local hospital.
United parents association	Parent association representative	Parent association representative, State assemblyman.
American Medical Association	County medical association	Local physician.
Clergy	Clergy	Clergy.
CUNY		Neighboring college.
Board of education (lay)		Local school board member.
Appropriate student representative	Student	Student.

ORIENTATION AND TRAINING

The nature of the drug problem indicates that orientation and training programs are essential elements of the total program. The need exists for: 1) communicating basic facts, 2) providing insights and attitudes through a retraining that helps individuals to see drug abuse as part of a broad perplexing problem, 3) providing opportunities for the development of skills that enable key individuals to deal with the immediate drug problem, as well as, the broader problems that involve the changing of individuals, schools and society.

Whereas, it might be justified to request that all school personnel, pupils, and parents experience a comprehensive training program, it is more realistic to propose that a broader base of individuals receive selected training and that a setting be established, whereby, others would gradually be included in such a training program. However, in light of the enormity and immediacy of the drug problem within the city, it is necessary that provision be made so that some individuals get started without delay in an action program that can begin to "turn around" the effects of this frustrating problem that plagues New York City.

The initial training program will extend over a three year period or over six one-half year school semesters. The chart below describes the program as extending over five (5) phases; these may overlap in time with several running concurrently:

Briefly these five phases are:

1. Contracted consultants will conduct training courses for the CAN personnel
2. Task force members and consultants will train drug education coordinators.
3. Task force members, consultants and selected drug education coordinators will train elementary school trainers and para-professionals.
4. Drug education coordinators will train high school, junior high school, elementary school teachers and administrators. In addition, it is expected that CUNY and other local colleges will assist in the training program.
5. Additional and on-going training for trainers, teachers and administrators.

The general plan of the courses outlined below incorporates three basic units:

1. Basic Drug Orientation Course, 30 hours
2. Group Dynamics Training Programs, 30 hours
3. Seminars—to be suited to specific needs of groups receiving training, 30 hours or more

Although the above units are basic, they can be modified or combined to service any of the initial target groups

The target groups for initial training over a three year period are as follows:

CAN personnel (including task force members)	18
Drug education coordinators—high school	92
District drug education coordinators (one/each junior high school)	162
Elementary school trainers (one/each elementary school)	620
Para-professionals drug education assistants	874
School personnel—including administrators:	
High school	11, 040
Junior high school	17, 000
Elementary school	33, 000
Total	62, 803

During this same three year period there will be a variety of other training and orientation programs involving pupils, parents and other school personnel. These will be developed in separate proposals. Variety of patterns will characterize the training period. These may include:

1. after school in-service programs
2. programs during school time (with personnel replaced by substitutes)
3. week-end programs
4. summer programs
5. college courses

They may take the form of institutes, workshops and in-service courses. Teachers will be compensated by college course credit, in-service course credit, or by stipend. The number of individuals to be trained are based on estimates of teachers currently employed at the various levels including allowance for new teachers over a period of years.

THE BASIC TRAINING AND ORIENTATION COURSE (30 hours)

This basic course will be offered to all personnel. It will be organized homogeneously according to the level at which the individual is employed. It is important that the courses be limited to approximately twenty (20) people per group in order that more effective interaction take place.

The ultimate aim of this course is to ensure that the individuals will:

1. Be familiar with the scope and nature of the drug problem.
2. Have explored the relationship of drug abuse to other social problems, and, in particular, its relationship to the problems of young people.
3. Have participated in a variety of group dynamics experiences helping them to gain insights into their own attitudes regarding drug use and abuse.
4. Be familiar with the variety of drugs that are used and abused, their characteristics: including values and dangers.
5. Become familiar with the legal aspects of drug use and abuse.
6. Be able to recognize the symptoms of drug abuse.
7. Become familiar with a variety of preventive school programs, and encouraged to implement such programs and to discuss their experiences.
8. Know the procedures involved when referring pupils with drug problems.
9. Have visited and observed various treatment programs available within the community.
10. Have been exposed to a variety of teaching approaches that can be helpful in encouraging classroom communication.
11. Explore the need and methods for curriculum change so as to add relevance and decisions making/problem solving skills to the pupils' experience.

Administrators, while taking the basic course, will be provided an opportunity to—

Organize and develop school and community resources.

Evaluate programs.

Develop group dynamics skills.

Develop policies and procedures related to referrals, school security, and curriculum change.

The program for para-professionals will include much of the basic program and, in addition, will develop:

Techniques for communication and assisting parents of drug users.

Means for working with the drug problems coordinator in identifying drug users and helping in referral procedures.

Ways of assisting the attendance teachers in determining the whereabouts of truants, suspected and confirmed drug users.

Skills in conducting parent seminars and workshops.
Skill in mobilizing community participation in all aspects of the drug problem.

GROUP DYNAMICS TRAINING PROGRAM (30 hours)

This course will be geared to help those individuals who will be actively involved in positions of leadership (task force members, drug education coordinators, pupil leaders, student activity coordinators, teacher trainers, guidance counselors, attendance teachers, etc.), to develop skills in leading small group discussions.

It is basic to the philosophy underlying this entire proposal that if learning is to take place, whether it be about drugs or related issues, opportunities must be made available and skills developed that will enhance communication. Discussion groups led by skilled people can serve a therapeutic function for some, the primary purpose of such groups within the realm of the preventive school setting is to serve educational purposes. Therefore, group approaches that are expressly therapeutic will be discouraged.

In this connection, those completing this course will have had an opportunity to:

1. Participate in and develop group techniques and ways of adapting them to school settings, and to explore how group discussion approaches can be developed in the school settings for combinations of teachers, pupils and parents.
2. Examine in more depth personal attitudes and feelings about drug usage and to explore how these influence their teaching about drugs.
3. Investigate in more depth, child and adolescent development and behavior, with particular emphasis on relationships to the current tendency of youngsters to get involved with drug abuse.
4. To observe and analyze a variety of traditional individual and group treatment approaches, as well as newer innovative techniques (field trips to community rehabilitation centers will be an integral part of the course).
5. Explore ways that group approaches can be used in mobilizing pupils, teachers and administrators in effecting change within a school.

SEMINARS (30 hours)

As has been mentioned, seminars will be open-ended courses to deal with specific problems experienced by such personnel as task force members, drug education coordinators, elementary teacher trainers, etc. This aspect of the training program can serve as a vehicle for an on-going clearinghouse for sharing ideas and experiences. (note chart)

TRAINING AND ORIENTATION—6-SEMESTER, 3-YEAR PLAN

Phase	Number to be trained	Group trained [1]	Number of courses	Units	Training period	Trainers
1. Early in 1st semester (or prior)	18	Coordinating office personnel	1	I, II, III; 90 hrs	2 weeks; 15 full days	Contracted consultants.
2. (A) Starts early in 1st semester (or prior).	254	Drug education coordinators: senior high school, junior high school.	21	(A) I, II; 60 hrs	2 weeks; 10 full days	Task force personnel plus consultants.
(B) On-going seminar throughout 1st year following (A).				(B) III; 30 hrs	10 mos.; 1st 5 mos.—20 hrs., 4 hrs. per month; 2d 5 mos.—10 hrs., 2 hrs. per month.	
3. (A) Unit I, unit II, 2d semester	620	Elementary school trainers	31	I, II; 60 hrs	2 semesters	Selected drug education coordinators, task force members; consultants.
(B) Unit I, 1st semester	874	Para-professionals	44	I; 30 hrs	5 full days over a 3 week period	Selected drug education coordinators.
4. (A)	11,040	High school teachers and administrators.				
1st semester	1,840	do	92	I; 30 hrs	For 1 semester	Drug education coordinators assisted by task force personnel and consultants in addition; CUNY and other college courses.
2d semester	1,840	do	92	do		
3d semester	1,840	do	92	do		
4th semester	1,840	do	92	do		
5th semester	1,840	do	92	do		
6th semester	1,840	do	92	do		
	[2] 3,000	Incoming staff		do	Summer session, graduate and undergraduate course.	
(B)	17,000	Junior high school teachers and administrators.				
2d semester	3,000	do	162	I; 30 hrs	For 1 semester	Drug education coordinators assisted by task force personnel and consultants, in addition CUNY and other college courses.
3d semester	3,000	do	162	I; 30 hrs		
4th semester	3,000	do	162	I; 30 hrs		
5th semester	3,000	do	162	I; 30 hrs		
6th semester	3,000	do	162	I; 30 hrs		
	[2] 2,000	do		I; 30 hrs	Summer session, graduate and undergraduate courses.	
(C)	33,000	Elementary school teachers and administrators.				
3d semester	10,000	do	620	I; 30 hrs	For 1 semester	Teacher trainers.
4th semester	10,000	do	620	I; 30 hrs		
5th semester	10,000	do	620	I; 30 hrs		
	3,000	In-coming staff		I; 30 hrs	Summer session graduate and undergraduate courses.	
5. (A) 3d semester	620	Elementary school trainers	31	III; 30 hrs	1 semester summer graduate course.	Drug education coordinators assisted by task force personnel and consultants, in addition: CUNY and other college courses
(B) 3d semester	14,000	Teachers and administrators	200	II and/or III	Summer school graduate courses	
6th semester					In-service	

---

[1] A number of teachers already in the system have taken a variety of courses.

[2] It is expected that some incoming teachers, fresh from an undergraduate experience, will have had basic drug courses.

CAN PROJECT (3 YEARS)

Tentative cost analysis	1 year	3 years
1.1 CAN personnel:		
Salaries	$384,470	
Social security and health insurance	38,447	
Transportation and miscellaneous expenses	3,000	
	425,917	1,277,751
1.2 Office equipment	11,491	
Supplies and materials and miscellaneous	6,300	18,900
	17,791	30,391
CAN total	443,708	1,308,142
1.3 Salaries School personnel (on all levels)	7,514,500	
Drug coordinators		
Paraprofessionals		
Secretaries		
Social security and health insurance	751,450	
Subtotal	8,265,950	24,797,850
1.4 Tentative training costs (3 years)	324,681	974,043
1.5 On-going evaluation of total program (in addition to amounts already included)		1,000,000
Overall (3 year) cost of program	9,360,011	28,080,035

1.1 PERSONNEL COSTS

Coordinating office:	
1 Project coordinator	$30,000
1 Unit coordinator	20,550
1 assistant coordinator	16,000
1 secretary	8,500
Task force:	
1 unit coordinator	20,550
1 rehabilitation expert	17,627
3 clinicians (group dynamics specialists)	52,881
1 attendance teacher	16,000
1 health educator	16,000
1 elementary school teacher	16,000
1 junior high school teacher	16,000
1 high school teacher	16,000
1 community specialist	16,000
1 guidance counselor	16,972
1 secretary	8,500
Consultant fees	4,000
Research and development:	
1 unit coordinator	20,550
2 curriculum specialists	31,920
2 research specialists	31,920
1 secretary	8,500
Total	384,470

1.2 EQUIPMENT AND SUPPLIES

Coordinating office:	
2 executive desks (approximate)	300
2 armchairs	80
1 office desk	150
1 secretary desk	125
1 secretary chair	35
1 desk chair	40
3 office chairs	105
2 typing tables	80
2 electric typewriters	350
6 4-drawer file cabinets	450
4 bookcases	300
1 conference table —72 inch (approximate)	100
12 folding chairs	49
1 Zerox duplicator ($25 per month) (approximate) (expendable)	300
Office supplies (expendable)	3,000
Printing supplies (expendable)	3,000
5 supply cabinets (2-door standing)	400
1 telephone plus 6 extensions (expendable)	250
Subtotal	9,114
Expendable	—6,300
Total	2,814

1.3 EQUIPMENT AND SUPPLIES—Continued

Task force unit:	
1 executive desk	$200
1 executive desk armchair	50
12 office desks	1,500
12 desk chairs	420
1 secretary desk	125
1 secretary desk chair	35
1 electric typewriter	175
1 typing table	40
12 2-drawer file cabinets	600
4 4-drawer file cabinets	300
2 bookcases	150
1 IBM dictating machine	425
1 IBM transcription machine	405
2 Wollensak tape recorders	342
4 cassette tape recorders	194
Total	4,961
Research and development:	
1 executive desk	200
1 armchair	40
4 office desks	800
4 desk chairs	125
1 secretary desk	125
1 secretary desk chair	35
3 typing tables	120
3 electric typewriters	525
1 conference table—72 inch	70
12 folding chairs	49
6 4-drawer filing cabinets	450
4 bookcases	300
1 filmstrip cabinet	42
1 slide cabinet	60
1 Bessler O.H. projector	128
1 16-mm. projector (Bell & Howell)	385
1 slide and filmstrip projector	83
1 screen (portable)	29
1 4-speed califone Phonograph w/microphone	150
Total	3,716

1.3 PERSONNEL

Working directly in schools:	
92 Drug coordinators, high school, at $16,000	1,472,000
132 Drug coordinators, junior high school, at $16,000	2,112,000
30 District junior high school drug coordinator at $20,550	616,500
30 District school secretaries, at $8,500	255,000
874 Para-professionals, at $3,500	3,059,000
Total	7,514,500

1.4 TENTATIVE TRAINING COSTS

3-year period:	
Training CAN personnel	1,500
Training drug education coordinators	10,000
Consultants, to assist in all training programs	18,000
Salaries for trainees, 3,315 courses (15 2-hour sessions)	514,543
Stipends for teachers taking courses in lieu of in-service or college credit, 20,000 teachers, at $90	180,000
Developmental materials for courses-films, strips, tapes, written materials, etc., to be contracted out to a company(s) as BAVI, on a performance contract	250,000
Total	974,043

Chairman PEPPER. The next witness is Mr. Graham Finney. Mr. Finney, would you come forward, please?

STATEMENT OF GRAHAM S. FINNEY, COMMISSIONER, ADDICTION SERVICES AGENCY, NEW YORK, N.Y.

Chairman PEPPER. Counsel, will you please inquire?

Mr. PHILLIPS. Mr. Finney, we are running late, and I do know you have a prepared statement.

You probably could assist the committee by incorporating your entire statement in the record.

Mr. FINNEY. I would be more than willing to do that.

Chairman Pepper. Without objection, the full statement will be incorporated in the record.

Mr. Phillips. Could you just summarize the highlights of your statement, as you see it?

Mr. Finney. Yes. I would like to do that, and I could do it in the time of 5 minutes.

I represent the Addiction Services Agency of the city of New York, which has the responsibility of coordinating, evaluating, and monitoring drug treatment and prevention programs in the city.

That includes the city's school systems. We have only talked about the public school system here; we could also talk about the archdiocese system and some of the private schools where we are also involved.

The source of our funding is the State of New York which, since 1970, has made funding available for prevention programs in the schools.

During the short course of less than 2 years, that program has been killed once in the legislature and dropped once in the Governor's budget. Fortunately, it has been rescued by public outcry and by a great many people very anxious to lick the problem we have been discussing here today, and I can report, though, at a lower funded rate of $12 million as opposed to $16 million in the school last year.

Mr. Phillips. So I can get the history correct—and correct me, if I am mistaken—the original school program for narcotics, either treatment or education, was mandated by the legislature.

In other words, a statute was passed in New York requiring drug education?

Mr. Finney. That is right. There was a clause mandating health education.

Mr. Phillips. This was not a program instituted by the board of education but really mandated by the legislature?

Mr. Finney. That is correct.

Mr. Phillips. And the funding was supplied by the State legislature as well?

Mr. Finney. Again, this is a little bit before my time. But the piece of legislation you are referring to did not contain with it the necessary wherewithal to put a health educator in each school. It was part of the work, plus several other programs, funded through EFEA and other funds which preceded the program I am mentioning right now. What I am referring to is money made available under something called the New York State Youth Drug Abuser Act which was originally prescribed only for the treatment of adolescence but which, in August of 1971, was broadened in guidelines to permit the kind of programs that are now being run in the city's high schools and in its community school districts.

That history, as I say, has been a very complex one. As a matter of fact, two people I would have had with me here today, are in Albany trying to get it out of some more difficulties.

Mr. Phillips. You say "difficulties." Is it because the program has not been well received?

Mr. Finney. No, I think not. I think this could be said about all of these programs. We are talking here—and my agency has been in the middle of them—of mounting and absorbing and getting results from a very complex program, dealing with very complex problems in a very short period of time.

Mr. Phillips. As I understand it, there has been a number of criticisms of your program. I think Comptroller Beame had some criticism and in the testimony of Mr. Curran, he referred to the fact you had recently taken on this particular job, and that you admitted there were a number of deficiencies in the program, but that you are making some effects to improve it.

Mr. Finney. If you will permit me to say so, I think we have gone a long way in a year and a half in an area where there are no easy answers, and I hope every member on the committee recognizes that fact.

Methadone, which is an alternative, is not available for young people, and drug-free programs require very committed, very dedicated, and very unique individuals to run them well. I am very well aware of the criticisms. The criticisms will continue until as we address the broader scope of drug abuse, which means addressing the institution in which it takes place, and addressing some of the research problems that I know your chairman has been seeking to bring attention to over the past several years with regard to antagonist and other devices.

I think, if you will permit me to say so, that one problem—and I live in agony every day and I feel for what the school system is going through—one of our problems is we do not have 100-percent reliable means of coping with the problem even when we identify the young person. I think what we have managed to do in a year is to put on the board a number of very promising programs, running from on the one side, alternative schools, dealing with heroin abusers and addicts and giving them their schooling while they are being given therapy, on the one side, to various models of counseling, of group work, of alternatives out of which I hope that these kinds of programs could be continued—and I would say as a minimum—for a 5-year period.

Real penetration can take place, not only with the kids in trouble with drugs but with the whole attitudinal structure of the school systems, which I think is changing very, very rapidly but which has suffered, as so many other institutions have suffered, when they have run into the drug onslaught from not knowing how to cope, not knowing how to identify young people in trouble, not knowing whether it offends the parents of the child, et cetera.

Mr. Phillips. In relation to the board of education, there seems to be no will, no desire to go out and identify the individual drug addict; no effort to make a program, just examine them; no urinalysis; no effort at all to even get at the dimension of the problem.

Your agency has the money to fund some of the programs I am talking about, the possible programs that might be instituted; do you not?

Mr. Finney. Yes, I do. As described by the legislature, those funds are not to be used in the school for treatment purposes. The referral process is taking place, and the figures show 6,000 young people have been referred into treatment.

Mr. Phillips. You say the moneys you receive are not allowed to be used in treatment?

Mr. Finney. The school-based programs are designed for prevention purposes. That was the original mandate when the guidelines were broadened.

Mr. **Phillips**. I understand that.

You say there are also referals?

Mr. **Finney**. That is correct What is, indeed, planning—and this has been a year where those relationships have been growing and, I think, being perfected far better in some districts than in others. I might add, where the school-based prevention programs, the per program, intervention programs, work of drug education specialists is identifying a great number of people who are in a great variety of assistance programs and a figure of 6,000 is an approximate figure being confirmed by our evaluators at the present time. Of the number of individuals who have been flagged as being addicts, serious drug abusers, or in many cases, experimenters and possibly truants who could benefit by going over to the other kind of programs that I run, namely, youth centers, residential programs, ambulatory programs, where they can be given assistance.

I think what should be in the record is that during the period we have received from the school board for the first time this year a substantial supply of teachers who are not working in drug treatment centers, and many of them do take on the semblance of alternative schools.

That is something we can build upon and where I think Federal assistance could be very important.

Mr. **Phillips**. I think you are right, and I think that is probably the one area in which the Federal Government can act and act quickly. You say these alternative programs that you have are run by private agencies?

Mr. **Finney**. They are two varieties in terms of auspices: We run some of those programs directly; a string of youth centers which are aimed principally at dealing with adolescent multi-drug-abusing youth. The balance of the program, and by far the bulk of the program, is run under contracts, Federal, State, and local money coming through my agency and we subcontract to the peer group or hospital or whatever it may be.

Mr. **Phillips**. That is an area where they are having trouble in finding out whether the money is spent, finding out whether the management of these affairs is desirable; things of that nature?

Mr. **Finney**. There are so many of Mr. Beame's reports. I think the one you are referring to is the one with regard to Phoenix House which is a year and a half ago. That is one of the first things I attempted to deal with and clarify.

Phoenix House grew up as an arm of the city and got too big for the agency. It is now under contract, and I think Mr. Beame and others are satisfied that any indiscretion, more out of zealousness rather than malevolence at that point, has been corrected.

I would be the first one to admit there is a specter of quality among drug treatment programs in this country. I have been responsible for closing more than 10 or 12 in the last year, and I know the difficulty of that assignment.

Mr. **Phillips**. What caused you to close them?

Mr. **Finney**. A variety of reasons, some of which questioned the quality of the leadership of the program, others in which they overspent their budgets. Others, where it seemed appropriate to us to terminate them in the year's period or 2-year period and direct the money into more appropriate forms of treatment. There is a variety of them.

Mr. PHILLIPS. My problem, I think, is this: Should this referral, especially of schoolchildren, be to a private agency or should the board of education maintain an alternate facility where these people can continue to receive education and yet still be separated from the population?

Mr. FINNEY. I understand your question, and my answer would be—and this is the approach I take in the drug field because I think there are no firm answers to it—I would like to see a variety of approaches. We have appeared before the National Institute of Mental Health on behalf of the school district 31 in Staten Island, a school-sponsored program which would go a long way toward addressing this problem with the adolescence of elementary and junior high school aegis. And that would be under school district auspices. I would still like to have in my bag of programs something like the Alpha School in Brooklyn, with which I think Congressman Brasco is familiar, which is a private program run by former schoolteachers in the school system, who have the patience, who have what it takes to deal in the terribly demanding, time-consuming job of rehabilitating the acting out of kids in trouble with drugs. I cannot overestimate the importance of that.

Again, if we talk about—not a solution, because I do use the word—it is not short-term. But if we are going to better cope with this program, the training and development of additional personnel that are willing to work at length and in a manner necessary with addicted and drug-abusing youth is absolutely critical.

My agency this year has had the privilege of using some of that State money to mount training programs for excess of 2,000 members of the board of education's staff.

I, frankly, will not be happy until we get all 55,000, because it is in the classroom that a lot of the attitudinal mind is set and a lot of the dealings with this problem have got to be solved.

I think the school system—and we have been getting good entree this year—is more than willing to see that kind of program expanded and that kind of effort continued.

I say, in my testimony, that I do see some signs of change. I was not around 2, 3, or 4 years ago, but one of my dilemmas right now is holding back community districts as well as many aspects of the central board from wanting to do more before, perhaps, they properly absorb the money they have. We have been trying to seek quality this year.

We forced some cutbacks, some changes in programs, to see the money go further and a better job be done. But I think it is important, and maybe it took this big part of the money from the State to do it, in part. That is OK, to open the door to surfacing the problem which has been pent up in many schools; and not only in many schools but the community in which the schools are a reflection of.

That same district 31 on Staten Island, I will bet you my bottom dollar 3 years ago would not have stood still to go before NIH and ask for money for a drug program. Now, they are beating down my door. So, I think that part of the attitude pattern is important.

I think what Dr. Scribner has said is happening; I also think that the kind of incidents that have been reported to you are also obviously happening.

I have been a big city school administrator, too, and I know it takes one helluva long time to penetrate into something new and to make things stick.

The drug issue is something quite new, and I think what I plead for is that in any aid that comes to help us, whether it is training aid or something to follow up something Mr. Rangel said, I would earnestly propose Federal assistance for a multifacet screening of young persons in the city school system, and everyone I had in treatment, periodically, not simply urinalysis, because I think that is inadequate.

Mr. **Phillips**. Why can't you do it now with the resources you have?

We asked the health authorities what they were doing about this, and they said they did not have much of a program. I do not think they had any program. There is no reason why these doctors you have in the schools now cannot be utilized to examine some of these drug addicts or to at least have a pilot project to determine how extensive the problem is.

Mr. **Finney**. I would hope that within the next couple of weeks if I could get some Federal help with regard to those people who have been referred to us, which is where my jurisdiction ceases, that we would do something of this nature. I think it is very important.

But going along with it, it seems to me it is not only a multifacet screening of these individuals but the wherewithal to see that they are served once their deficiencies have been found out.

Mr. **Phillips**. Do you think we are going to be able to get enough private placement centers, or whatever you want to call these therepeutic communities, to handle the volume of job that appears to be existing?

Mr. **Finney**. I have already said that I have a problem of quality. I already have said that I had a problem of sufficiently trained people who care enough to put in the hours sufficiently to deal with acting-out kids. I think, at the same time, that the great bulk—this is something that has not been said today—that the great bulk of the people that we find, are not hard-core heroin addicts. There are too many of them, but they are multidrug-abusing youth who are into everything under God's name, who do need considerable assistance and need a lot of very talented help to help them out.

It is not simply funds; it is trained people; it is commitments that have to go along with it. We, in our comprehensive plan for the city this year, have asked for a minimum of $50 million more to build methadone programs and to build drug-free programs.

Mr. **Phillips**. You are talking about programs other than educational programs?

Mr. **Finney**. I am trying to make the point that it is not only funds that will do it.

Mr. **Phillips**. The question is: Are private facilities like Odyssey House, et cetera, capable of absorbing 5,000 or 10,000 addicts from schools?

Mr. **Finney**. I would say, at the present time, as the result of referrals out of schools and built-up programs, the ones we now have are stretching capacity. There is very little room at the end.

Mr. **Phillips**. Shouldn't the school authorities then create the other facility?

I would be very much happier with a government-run facility than with an amateur-run facility.

Mr. **Finney.** I am not sure that in some places the government-run facility would not be more amateur than the privately run facility.

The important thing is to corral talent, and I think we have to go both ways on that one. I would like to see more action along this line.

Mr. **Phillips.** As long as you are going to leave it to Odyssey House, Phoenix House, the board of education is not going to do the job. They are not going to invest in the talent, the resources, or the thinking necessary to create an alternate program.

Mr. **Finney.** Two points: We are now talking about thrusting upon the board of education the immense problem of adequate prevention as well as the job of treatment. I think, in terms of priority, I would rather see the talent and the energy of the school system applied in the first instance to building up and really securing the beachhead we have made this year with prevention programs.

Mr. **Rangel.** What you are talking about—given what you have to work with—no one takes issue with that. What the counsel is searching for is: As we talk about an alternative method of education, whether or not we could set up a separate school system even if we catch hell from the community, just to try it.

I know the courage of the mayor's council in coming up with the proposal for drug addiction.

Mr. **Finney.** You know some of the dissenters, too.

Mr. **Rangel.** Right. But I mean to try to see whether or not there could be something that actually deals with the young kid as opposed to the general drug-addict population.

Mr. **Finney.** I think perhaps you had not come in when I mentioned that we are very much interested in the business of alternative schools for addicted and drug-abusing youth.

As a matter of fact, coming out of the first year's experience in some of the community district at the present time are proposals along that line.

I also mentioned an NIH proposal that is now pending that would serve all of Staten Island which is a model along this line.

Mr. **Phillips.** My trouble is that these are proposals and it is long overdue. It is long overdue, since 1969, when we had tremendous overdose deaths, and there still is not a program in existence which is doing the job, or which is capable of being expanded to handle the job. If you are waiting for private agencies to do it, it is not going to do the job.

Mr. **Finney.** I dispute one thing, Mr. Phillips. I think there has been in the past year in the school system a very momentous effort. It is overdue; I acknowledge that. I do not think the effort would have gotten started until places like Staten Island and Queens really bit into this bullet, along with the other parts of the city. But now I can, from independent figures, note to you that individual counseling has reached 30,000 students in year 1, that we have been dealing increasingly with parent groups.

Mr. **Phillips.** Some of this counseling is not drug-related youth; most of it, according to the report, the MACRO system's report, is to children who want to complain and beef about the system.

Mr. Finney. But you cannot separate, in my humble opinion, beefs about the system, problems at home, from the entree into the use of drugs on the part of many of these kids, particularly if they are in multidrugs.

Mr. Phillips. I am not suggesting you separate them; I am suggesting that when you start citing figures like 38,000, that in the 38,000 are some drug addicts who will receive attention, but also in the 38,000 are people who came in to complain about fathers and mothers.

Mr. Finney. I am talking about prevention programs, that is correct.

Mr. Phillips. The MACRO report as I read it is a critical report rather than a favorable report.

Mr. Finney. Is that report the March 1972 report, sir?

Mr. Phillips. Yes.

Mr. Finney. That report was rendered approximately 3 to 4 months after most of the school systems got off the ground with their programs in the year 1 activities. You will be getting a year 1 final report, which I hope will be as critical as necessary, and I suspect, in some districts, it will be by the end of July of this year. I am receiving profiles of the programs in all of the high schools, and I think, although the State has yet to acknowledge the evaluation is terribly important, it is very important if you intend to continue it.

Mr. Brasco. Commissioner, the other day we had four young people, approximately age 20, from a cross-section of different schools. One young girl from Julia Richman High School got started using heroin when someone gave it to her in the school bathroom. That is part of the testimony, and I suggest to counsel to give that testimony to the school officials also.

The point I make is that she spoke about the fact that school officials knew what was going on in the bathrooms and everyone turned away. The counseling you are talking about, for her consisted of being referred for a job.

What I am trying to point out is not just to be critical of programs, but that I believe it has been proved that drug addiction is socially communicable. We do know that it spreads; we do know that the rate of cure for those addicted is much less than 1 percent. Under these circumstances, shouldn't we consider educating and treating drug addicts in a separate school setting? Should we continue the risk of allowing this disease to spread while we are desperately searching for solutions?

Am I wrong in saying this is socially communicable? Am I wrong in saying that in order to have a healthy atmosphere in the schools, we ought not to be treating drug addicts for a disease that is practically incurable in a school setting? Can't we see the kind of destruction going on?

Mr. Finney. The only wrong part—and I think this may be a part of your premise, I can't tell—and I mean this all sincerely—is that many of the problems we are talking about predate the rise of the addiction in the schools in terms of violence, in terms of disruptive behavior, and the like. In my opinion, a drug simply highlights this and takes it beyond. So, I do not think that we can put all of our eggs into the basket of purging drug abusers from the schools of society. We are going to be violent, and we are going to act out so long as we do not have respect for, or involvement in, our institutions.

Mr. **Brasco**. I agree. But I suspect 50 years from now people will be sitting in this room or something like it and there will be other school superintendents and other commissioners talking about the same kind of solutions with respect to social problems. Right now, what seems to have happened, as one doctor indicated, he felt without the question of the problem of drug addiction to complicate overall social problems, there would be similar rates of petty thievery and acting out in an antisocial way. Unfortunately, we do have to deal with, in this stage of our history, the individual who has not only been acting out from emotional problems, but also acting out as a result of being a prisoner of narcotics. That seems to me to be the very bottom line, when we ought to say that in order to restore schools to traditional places of learning there ought to be separate places to rehabilitate hard-core addicts when we know that the rate of cure is less than 1 percent; when we know that there is a tremendous tendency on the part of those who are abusing drugs and are addicts to sell drugs, which means to encourage others to abuse; when we know that there is an attendant violence that goes along with drugs that affects the other students in terms of the money that is needed to buy drugs, that affects the teachers, that affects the principals, and the entire system.

When are we going to turn around and worry about, the majority of the kids in the school who are drug free and not addicted as of yet?

Mr. **Finney**. Let me ask this question. This will be helpful in my reply to you. Where would you draw the line? Would you segregate out the youngsters who are utilizing marihuana or peddling marihuana in the school, or only the heroin addict? Because you may have a school system that is significant here in terms of that which is segregated out and that which remains.

Mr. **Brasco**. I think this is another problem, the problem of semantics, and the use of terminology such as segregating and isolating.

Let me say this: I would certainly start with those that we detect are drug addicts. With respect to the rest, I would hope that is what you fellows are getting paid for, to make some of these determinations.

What we are basically trying to do with the hearings is to develop some insight into the problem which is, admittedly, most difficult and appears to defy solution, and because of this is being swept under the rug.

What we ought to do is establish a policy: No. 1, separate the hard-core user of heroin; and No. 2, get the user and the seller, and then the rest would be up to you people to make the case-by-case determination as to where to treat them.

Mr. **Finney**. Let me respond. You know this Alpha School in Brooklyn? I am not sure if it is in your district.

Mr. **Brasco**. The Alpha School in Brooklyn, it is a small program in Brownsville.

Mr. **Finney**. It is in a milk factory. I can't remember the precise location.

Mr. **Brasco**. I know the program very well. I have been trying to help them.

As a matter of fact, the local assemblyman, State senator, and myself are members of the board of directors, and together we are trying to assist their program.

Mr. **Finney**. I know that. I raise that as a case in point.

This is a small program, and in terms of an alternative school it meets many of the objectives I would have if we went this route. Its biggest problem is it is expensive; it is very expensive on a per person basis.

And the question, really, I have: As you look about this problem and talk about the notion of alternative schools, is the Congress or the American people indeed willing to put out the resources necessary for that kind of system, or is the more likely thing, if I can editoralize, that is going to happen will be that kids will be shunted to a big bleak building somewhere and given custodial help?

I think that is a very critical question, from my vantage point.

Mr. Brasco. It is a critical question, because unless you can tell me this is not socially communicable, I believe the primary concern, at this stage of the game, is that it does not spread anymore. When you talk about stopping spreading you have to do something about those already addicted, which do not belong, in my opinion, in the same kind of a school setting as those who are not addicted.

If you are saying that we sit here and wait for some money to come in for a program that has not been proposed as of yet, you are being unrealistic.

Mr. Finney. I do not mean to imply that. I think there are, via State moneys, some programs, small albeit, along this model that have taken root in the system. The Alpha School happens to be a nonprofit corporation and is a model.

What we are talking about, Staten Island is.

I would dearly love to come back to this committee, in very close consultation with the school board, with some other——

Mr. Rangel. One question.

Mr. Finney. May I make this point clear?

Of the tremendous amount of money that has been made available for drug treatment and prevention, at the present time—this is just one commissioner's opinion—the interest of the Federal agencies in funding these kinds of approaches is, I think, secondary, certainly to the dying out of methadone waiting lists and some other immediate problems with regard to the older street-level heroin population.

But I would like very much to accept your challenge, because we do challenge ideas and we would like to find the money to make them in real keeping with the school system.

Mr. Rangel. Commissioner, the Alpha School, how does their annual cost per student compare with the board of education?

Mr. Finney. Perhaps two or three items as high.

Mr. Rangel. Does the board of education make any contribution at all?

Mr. Finney. Not to Alpha. It was set up as an independent institution. It is funded by the State through MACC and the youth drug abuse program. It is still cheaper than jail.

Mr. Rangel. When you were talking about multidrug users, were you talking about the black and Puerto Rican communities being included in that?

Mr. Finney. Yes; I was, to a degree, Congressman.

But you know the incidence of hard-core addiction earlier, obviously, was greater among the Spanish and black New Yorkers. But the indiscriminate use of all kinds of drugs is a pattern we are seeing throughout the city.

Mr. RANGEL. When you suggest that the Federal Government attempt to deal with the model Alpha School, isn't it a fact that the State is anxious to control it? I mean, to prevent any direct funding of any State or local programs?

Mr. FINNEY. I do not think that is a foregone conclusion.

Certain parts of the new Federal money will, of course, be routed through the State, but I think that is a soluble problem with the State.

Mr. RANGEL. Isn't there opposition by the State to the direct funding as relates to rehabilitation programs?

Mr. FINNEY. In terms of Federal money?

Mr. RANGEL. Yes.

Mr. FINNEY. I would say that is a policy which is not set in concrete. I think certain things will be routed through the State. I know, in terms of NIH funding, the great bulk of it does go directly from that Agency to my agency, not through the State.

Mr. RANGEL. Then, it is possible for the New York State delegation to expect you and Howard Jones to bring these type of Alpha School models into the open and say: "This is something worth looking into?"

Mr. FINNEY. I can't speak for Howard Jones, but I can certainly speak for myself and my willingness to cooperate on that sort of thing. But, again, back to the contention that we have, as you know better than I do, does an extra dollar go to a hundred people who are on a waiting list for methadone so they get their treatment, or does it go to the 100 kids in the school who may be contaminating that school?

Mr. RANGEL. Is Alpha a drug-free program?

Mr. FINNEY. Yes, sir; it is.

Let us say there, too, it does not bat 1,000 with everybody. They have to take people in on a residential basis. That may be a part of what we are saying, too.

Mr. RANGEL. Let me finish this.

How many youngsters were referred to your agency by the board of education for some type of treatment?

Mr. FINNEY. The figure I have, which is an approximate one, better one at the end of the year when all the data is in, is approximately, since the program started last fall, 6,000. That is not all addicts. That is a gamut of people, maybe someone who is hopelessly truant, who has drug-abuse tendencies, and it may be a hard-core addict. That is a big buildup from a year ago.

Mr. RANGEL. Yes; it is hard for us as nonprofessionals to deal with the personality traits which mark a potential addict. I suppose this falls into the area of prevention, but in terms of an addict, those who have been certified by a doctor in a school who says he is an addict, would you have any idea how many of those you serve?

Mr. FINNEY. I cannot give you a good figure on that. I think I could obtain it with some research.

Mr. RANGEL. What do you do with this addict once he comes to you? Do you determine what type of addict he is before you refer him?

Mr. FINNEY. Congressman, as matters now stand, that would be the decentralized process, and the school board, if it has a youngster in junior high who is addicted to heroin, would probably work out an arrangement with a program within their section of the city, et cetera.

As another missing link, another thing we have pending with NIH right now, is to do a better job of central referral and diagnostics so the adult or child is routed to where they think he would have the best chance, with his consent or friendly persuasion, that he needs a residential program or something heavier than he might want. There are a lot of imperfections.

Mr. Brasco. When you say "friendly persuasion," are you talking about civil commitment?

Mr. Finney. My position on civil commitment is this. It should be available. I do not think it is required in all instances. I think it should be utilized on behalf of parents, friends—somebody in the first instance. I know Mr. Roberts' proposal. I can understand why there may be some reservations to going through that action on behalf of one who is yours in loco parentis.

Mr. Brasco. I refer to this only to ascertain whether or not you object to it as being unconstitutional?

Mr. Finney. It is not my preferred course, for one good reason. I think our experience with the State system in New York shows that there should be an ounce of motivation to accompany entree into a rehabilitation center.

Mr. Brasco. The point is this, Commissioner: It depends on what the motivation is.

Mr. Finney. I do not object to it.

Mr. Brasco. All of the kids we saw the other day said they were highly motivated. Instead of going to jail, they received a suspended sentence and were referred to a drug program. Choosing between jail and a drug treatment program doesn't, in my opinion, require much motivation. It seems to me the type of motivation in a civil commitment is the same type of motivation that is used in choosing treatment instead of jail.

So, when you say that it should be used under certain circumstances, are you saying that addicts should have a right to say: "I do not want it to be used on me and I should stand on the corner and sell drugs and use drugs until I make up my mind that I think I should come in for treatment of some type," or be motivated by choosing treatment instead of jail?

Mr. Finney. As I understand civil commitments, and if a parent or other individual seeks to act in behalf of this individual and the court sanctions it, that addict standing on the corner loses his choice, and he is going off.

Mr. Brasco. How about schoolteachers?

Mr. Finney. I think—and this is just a personal comment as I have been out of schools for several years as an administrator—I think what we have got to do is do some conscience-raising among many, many schoolteachers in terms of what an act is and what a drug-abusing kid is, and bring them along a lot more in their understanding of this problem before we immediately think that we are of all people going to take the step toward civilly committing individuals. I think that is a tremendous leap in an area which is so unacknowledged and where teacher sensitivities are so poorly developed at this point. I think at a point, say, if a teacher becomes conversant with this, she might very well regard it as an act of charity, good will and camaraderie with the kid she could not otherwise reach. The majority—I want to say this—

in any other school system I know of, are not about to do that at this point. There are too many. There is everything from the paperwork to the personal agony in facing the other kids in that class, that it seems to me to intervene in that action.

That is why I argue very strenuously that we have to touch all 55,000 teachers.

Someone said to me not long ago—and I think it is true—that if discussion of sex education is painful for many teachers and many parents and not so much the kids, on the subject of drugs it is three times as painful. I sit atop of an iceberg, and I am not in every school every day. A great change in attitude, a MACRO change has occurred, but it has got to be continued for a 5-year period. I can't go to the legislature twice a year and plead with them to continue it. We need a full-time commitment.

Then, I think some other things you talk about will be handled in a rational rather than a kind of dogmatic way.

Mr. Brasco. I suspect you may be right. However, unless we have this kind of dialog in terms of hearings and in terms of asking for accountability, no one is even going to face up to the problem, let alone starting to develop a program to combat it.

Some very hard decisions must be made. A lot of people are going to be upset and unhappy. But it can only be accomplished through your assistance and the assistance of the school board, the board of education, and the chancellor.

Heretofore it was unthinkable to suggest that some students were troublemakers in school, that they had emotional problems, that they had problems with drug abuse. I think that over the last 4 or 5 years, the toll has been unbelievable in the effect on the morale of the teachers, and students. The entire system is in the process of collapsing unless we begin to do something about it.

Chairman Pepper. Mr. Winn?

Mr. Winn. Mr. Chairman, I do not believe I have any questions. Thank you. Very interesting.

Chairman Pepper. Mr. Finney, I just want to ask you one question. I read your statement. This program you have underway, I know you are thinking of it in terms of a long-range program. Those you find already given to drug abuse, particularly heroin, what treatment is made available to those you do detect?

Mr. Finney. Let me confine my remarks to the heroin addicted young person, because he does present the greatest difficulties, and bringing him back is the most complicated.

In many cases, by definition, chemotherapy, meaning methadone maintenance, is at this time off limits, and I think for a very good reason. There are a few very highly controlled experiments of hard-core youth abuse addicts, but for the most part our reliance is upon various modes of drug-free treatments. Whether they are in residential centers, of which there are a great many in New York City, or they are in ambulatory centers, I think this is an area where research and harnessing of medical education in other schools have got to continue. It may well be this is a very appropriate place for that still uninvented antagonistic to be of tremendous importance. We have at Down-State Hospital in Brooklyn today, not with very young people, a very exciting experiment going on.

Chairman **Pepper**. What is the capacity of that?

Mr. **Finney**. They are now running, I believe, 130, 140 young people, but it is about the first and only service program of this kind going on.

Chairman **Pepper**. There is not anything like an adequate amount of facilities available for treatment. If you got all of the addicts in the schools into custody, you would not have enough places to treat them.

Mr. **Finney**. Congressman, that is why I would say I am as much concerned in increasing the supply of treatment than I am, frankly, in counting the last addicted child. Our accounting mechanisms are admittedly inadequate. But until we provide that treatment capacity that makes sense, we just are not going to be able to service the additionally identified young persons.

Chairman **Pepper**. What is the Federal Government doing now to be helpful in treatment and rehabilitation and in the educational program?

Mr. **Finney**. Let me speak about prevention programs and education programs at the start.

I guess the answer in a nutshell is that it has done very little and it is still of very little use to us.

The bulk of the money at the office of education, as we have looked at it, is designed for so-called mini-grants, I think with the purpose designed to get something started in the vast bulk of the small cities and towns of America.

Chairman **Pepper**. Are those programs doing any good in drug education?

Mr. **Finney**. Sir, I do not evaluate programs I am not responsible for. I think too many of them probably are dealing with conventional assembly and the stern lecture. I honestly feel that unless we have teachers who relate to kids, you can throw that money away.

Chairman **Pepper**. Don't they have some films they make?

Mr. **Finney**. Yes, they are useful.

I would go on to say—this is one of my pet themes—they are not nearly as useful and are no match for the ads we see on TV every that have kids' resistances to drugs reduced. The film in school is no match for an advertisement.

In terms of treatment, I am very pleased to say that since the legislation last fall, there is, obviously, an increase in Federal attention.

Chairman **Pepper**. The program is doing very little about drugs in schools?

Mr. **Finney**. That is correct. I think you are doing a disservice in this regard.

Chairman **Pepper**. We are very interested in having recommendations for a federally aided drug-abuse prevention program through education and then a treatment and rehabilitation program for those addicted. We will certainly welcome from you, or anyone else knowledge on the subject, recommendations as to the kind of a federally funded program that would be helpful to the States and their local authorities in dealing with this drug program, both from the preventive viewpoint and from the treatment and rehabilitation viewpoint.

Have you any suggestions?

Mr. **Finney**. We have several models, which I said we already have going, and I think you should look at. We have some other ideas we

6

would very much like to package in concert with Dr. Scribner's office and submit to you. We have spent a great deal of attention in seeing where dollars can be the most effectively spent. Our experience is still not that great, but I would like to submit it, because I think it is as good and broad an experience as the country has.

Chairman PEPPER. If you and Dr. Scribner's office would submit to us written recommendations, we would appreaciate it.

Mr. FINNEY. We will do that.

Chairman PEPPER. You imagine the kind of program you should have, and then you tell us about what you think the Federal Government should do in making that program possible.

That is what we are working for.

Mr. FINNEY. We would be delighted.

In a city where their usual chore is to cut the budget, it will be a pleasure to come forward with some ideas along this critical subject.

Chairman PEPPER. We have already had information, in looking at some of the Federal programs in respect to education, their educational grants as they put it, that unless money is taken from some of the educational programs, there is not any money for treatment and rehabilitation of drug addicts in the school in the present educational grant program.

And the Jaffe program includes very little in the school program; so, we are getting it accurately put together.

But I am rather afraid the Government is not doing anything now to speak of in being helpful in this particular area, which looks very challenging.

We will hold hearings at Miami, Fla., in early July and thereafter in some other parts of the country. We fear we will find the same situation you find in New York, where this is a staggering problem, and we are only making relatively minuscule success in dealing with the problem.

You do need funding, and the Federal Government ought to help.

What we want to do is get the blueprint of a program we can recommend to the Congress providing such assistance.

You give us the very best program you can, and we will be very grateful.

Mr. FINNEY. We would be delighted.

(See letter dated Oct. 2, 1972, at p. 416.)

Chairman PEPPER. Anything else?

Well, Mr. Finney, we thank you very much for coming and giving us your valuable statement and assistance. We will look forward with particular interest to your and Dr. Scribner's recommendations.

Mr. FINNEY. Thank you very much.

(Commissioner Finney's prepared statement follows:)

PREPARED STATEMENT OF GRAHAM S. FINNEY, COMMISSIONER, ADDICTION SERVICES AGENCY, CITY OF NEW YORK

Congressman Pepper, Distinguished members of the Committee: My name is Graham S. Finney and I am Commissioner of New York City's Addiction Services Agency. My Agency plans, monitors and administers investments of nearly 100 million dollars in more than 200 drug treatment programs and in the vast network of prevention programs operating in the City's schools. Now completing their first year, the school-based prevention programs are run with money funded by the State of New York through the Narcotic Addiction Control Commission, but they are supervised in New York by my Agency, which contracts for these services with the Central Board of Education and the 31 Community School Districts.

We welcome this opportunity to contribute to your investigation of crime in the City's schools, and more germanely to us, addiction and drug abuse's effects on that subject. We hope our experiences based on continuing involvement during the past year in the school system will help you formulate legislation that can help lick this bewildering social problem.

In 1955, a book, later a movie, called Blackboard Jungle, depicted violence, assaults and general misconduct in New York City's high schools. It scared the country, prompted investigations and shone light on the first smolderings of a combustible conflict of poverty, family breakdown, lack of essential services and frustration that still plagued large urban centers. Nine years later, another book showed the crisis in the City's schools as an upstairs battle against a downstairs problem.

A year before Chancellor Harvey Scribner came on to the New York City scene, official statements by local high school principals made this year's cries seem almost bland. Searching the records, one finds rhetoric like this from the March 5, 1969 issue of The United Teacher, which excerpted this statement from The New York City High School Principals Association:

> "Disorders and fears of new freightening dimensions stalk the corridors of many of our schools, yet in the face of these clear and present dangers, our Board of Education has completely abdicated its responsibility for the safe and orderly conduct of our schools."

Two years before that, in 1967, New York experiencing a crippling teacher strike, in which a prime issue was the right of teachers to remove disruptive pupils from their classrooms.

We cite these examples not to belittle current conditions. We cannot honestly do that because we are there to see the problems. We allude to history, however, to lay to rest any simple assumption that addiction and drugs in general are the primary cause of crime and violence in the schools. Drugs, as usual, dramatize and intensify situations, but the causes remain: the problems of each individual person using the drugs and the breakdown of the institutions themselves.

It is even quite possible to speculate that for each drug related act of violence in the schools, the violent tendencies of some other student may have been narcotized and cooled out by drugs. As physicians administer drugs to pacify acting out individuals, self-administered drugs by students are having the same effects. Students, like some suburban housewives, may take drugs because they can't stand the pressure, the boredom, or the emptiness of their lives.

In short, the iron screens protected the City's school windows a long time before there was a drug problem among the young. A few years ago, the villain was permissiveness, now the scapegoat is drugs.

We certainly agree that if one checks the "untoward incidents" file at the Board of Education, he will find evidence of an increase in violence, and an alarming one at that.

But the key point is that violence in the schools, like the poor, has been with us a long time. Indeed, the two frequently go hand in hand. Poverty, as a generation of social scientists has pointed out, breeds crime, although poor kids are not the organized criminals. And it is more than interesting to observe that many studies of the characteristics of adolescent drug abusers find the same behavior pattern and the same familial and psychological background that have characterized delinquent adolescents from the time of Glueck's pioneering studies forty years ago.

There is evidence to suggest that some of the same characteristics that impel young people to violence and crime impel them to drug abuse. Drug abuse, that is, is at best a corollary to their delinquent behavior and stopping drug abuse will not necessarily stop crime. In fact, a major nationwide study from The Ann Arbor Institute for Social Research now being prepared for publication in the fall has studied several thousand adolescents nationwide, and found that the great majority of drug abusers were engaged in delinquent behavior prior to their involvement with drugs.

Having made clear some thoughts about the place of drugs in the school crime spectrum, I would like to go on to agree with the Committee's statement calling for the urgent mounting of programs to rehabilitate young users in schools, and to suggest that the Federal government direct for greater priority attention in this direction. To date, actions by the Federal government regarding drug abuse prevention have been totally inadequate. Even officially, prevention represents less than 10% of the one billion dollars authorized to Dr. Jaffe's White House SAODAP.

Last year, counting in-kind expenditures, New York City monitored State money in the amount of 50% more than what was spent by the Federal government all over the country. A major reason for this is that prevention work is still very primitive, difficult to qualify and requires a long term investment. It is far easier to statistically justify and defend the amortization of a waiting list for methadone maintenance. The fallacy in that thinking is that waiting lists for treatment will continue to grow until prevention efforts begin to take hold.

Despite federal inaction, New York City has too massive a drug problem in its schools to sit still. Although only a year old, and although beset by a constant barrage of first-year, start-up problems, New York City's prevention efforts in the schools are now unparalleled in this country.

Let me first say what is not being done in the school drug programs. Banished are the isolated film, the undirected assembly, and the show and tell session provided by the local narcotic agent. The programs have given up on trying to scare a populace that just is not scared of death itself, much less going from one drug to the next. This approach has failed, though still relied on in too many of the nation's schools. Rather, we, in New York City's schools, have tried—and quite successfully in the first year of large scale operations—to fill the void, to intervene in dealing with the real underlying problems driving kids to drugs.

This is being done in 92 high schools, and in Junior High Schools, elementary schools, storefronts and evening centers throughout the City's 31 decentralized school districts. It is taking place on the streets in neighborhoods as different as Central Harlem and Little Neck, Queens.

In these settings we have focused our 19.6 million dollars on those youths who are already on drugs or who give every indication—by acting out, through anti-social behavior, or truancy—of being drug users. In the first year of mammoth program, we can quantify the following:

Individual counselling to over 30,000 students; counselling to over 5,000 parents in situations where the parent can provide a crucial role in the prevention process; 16,000 youths engaged in continuing, ongoing group counselling sessions in a variety of formats; many of these same youths have participated in recreation and remedial programs reaching over 40,000, designed to provide alternatives to drug abuse such as athletics, writing, arts and crafts, for so many of our young people in the urban wasteland become involved with drugs simply because our society has provided them with NOTHING else to do.

Additionally, some 12,000 teachers, 20% of the City's force, have been involved in workshops and training sessions designed to better prepare them to deal with manifestations of drug use in their classrooms, and information to recognize youngsters in trouble. They are beginning to acquire the skills necessary to intervene directly in helping young people solve drug problems, and the knowledge to refer youngsters in trouble to experts, when needed.

Moreover, as a result of referral efforts, more than 6,000 young people—hard core drug abusers or youthful addicts—have been referred to treatment when they could no longer keep up the basic workload at school. And perhaps double that number have been referred for medical, psychiatric, vocational, legal or educational guidance or other social services.

In addition to these referral services, some 500 youngsters—drug abusing youngsters at that—are receiving full time educational and rehabilitative services in alternative educational settings in half of our school districts. We expect the numbers of such programs and students served to increase next year.

I would suggest to you that the 6,000 referral figure alone has probably done much to alleviate trying conditions inside the schools, as well as our ability to give instant help to kids who want it and need it. We feel our figures, backed up by objective evaluation, speak for themselves.

We regret that on Monday one witness chose to single out two or three high schools out of 92 that house drug programs. In the first year, some are good, some are struggling to get started, and most are underfunded. Meanwhile, we bolster the good programs and keep trying with the others.

Moreover, if time permitted, we could explain to the committee the difficulties inherent in mounting effective drug programs. One of the problem high schools cited is a problem, we contend, because the parent group won't let the program be run the way we think it should. Another mentioned is struggling because it has not worked out the bugs fast enough to get a larger share of the funds. In a day of squeezed budgets, those that produce get the funds. We should know about squeezed budgets too, for in this second year of operations, we shall be forced to operate with somewhat less funds than last year, just when we have begun to reach so many people.

As to the charge that the heads of school officials are in the sand regarding drugs, we would suggest that, as it relates to the City administration, the Chancellor's office and other top administrative offices in the Board of Ed with whom we have contact, this is outmoded information. In my opinion, attitudes have been rapidly changing from top to bottom in the City schools.

Yes, we have had some trouble in some school districts and local boards in persuading them to move fast and take efficient advantage of what is now available. On the whole, however, cooperation and support was well exemplified in the busloads of 5,000 people who traveled to Albany to protest when it looked as though our school programs' budgets were to be eliminated for this year.

We realize that much of the public refuses to sit still for anything short of a vending machine theory of social progress. Put a dollar in and out comes social change. We are working hard, therefore, to evaluate, to tightly monitor and scrutinize programs in this, their first year of operations. Not all have passed the test. Components of two prevention programs were recently shut down because we ascertained that the local school boards were doing little else with their money but providing friends and relatives with jobs.

These things will happen in the first year of massive social programming. More than eighty other high schools and many community districts are beginning to do a fine job.

More of a problem, this committee especially should not lose sight of, is the pressure in the general society toward taking drugs. For example, the majority of school-aged youngsters spend many hours out of school time in front of the television set, where they are inundated with message after message to "turn on" or to take a pill, and all their troubles will disappear. This committee has done some meaningful investigations in the drug abuse area. How about following it up with some on the effects of violence on television. The committee has also looked into business' part in researching antagonists. You may be interested, therefore, in knowing that recently, most of the nation's large pharmaceutical firms voted against proxy proposals to study the effect of their advertising on promoting the youth drug subculture. All of these factors greatly hurt the upward movement of our efforts.

As you continue your examination of this tangled picture, please remember the following: The enormous task of mounting massive prevention programs within one year, which has been done in the same year that the City schools were being decentralized; and the virtual impossibility of accounting for results in so short a time period. Penetration of the New York City school system with meaningful prevention programs is, at best, a five year undertaking and any Federal effort to mount such programs should incorporate that time frame.

Finally, contemplate fully the reality of the problem you address. Many of you well know how deep the roots of addiction go. You know that no one noticed the problem until it crept out of the ghetto into the homes of the materially fortunate and the decision makers. You know, too, that if we try to provide instant answers to social problems in less than one year's time, the results won't look good and funds will be taken away by a fickle public. The attack on drugs must be a long-term investment and one that contemplates basic changes in many institutions in our society. That path will be long and expensive, but it is the sensible fork in the road if the roots of both drug abuse and violence are to be reached. It is the sensible approach, if you hear, as we do, thousands of young people asking, quite seriously, not only why they are in school, but why they are alive.

Chairman Pepper. Mr. Counsel, will you call the next witness.

Mr. Phillips. Mr. Chairman, the next witness is Morton Selub, principal of Franklin K. Lane High School in Brooklyn, N.Y.

STATEMENT OF MORTON SELUB, PRINCIPAL, FRANKLIN K. LANE HIGH SCHOOL, BROOKLYN, N.Y.

Mr. Phillips. Mr. Hafetz, would you like to inquire?

Mr. Hafetz. Perhaps inquire preliminary. Mr. Selub, were there any remarks or statements you wanted to make prior to our specific questions.

Mr. SELUB. Yes. I would just like to make one remark, because I didn't prepare a statement. I wasn't really certain as to what my role here was going to be.

I was rather taken back by the enthusiasm with which the committee thanked Mr. Silverman this morning after his testimony because, aside from the fact he was obviously very sincere in his feelings about drug abuse and the problems related to it, for the most part, as I saw it, about the only accurate, really accurate thing that he said along the way was that over the course of 5 years I sent in two reports late. He said a number of things that were purely hearsay, said a number of things that were——

Mr. PHILLIPS. You are not going to be very helpful to the committee, Mr. Selub, unless you are prepared to specifically state——

Mr. SELUB. I say specifically——

Mr. PHILLIPS. Also, you say you submitted two reports late. Now, that, you say, is just a matter of submitting reports late, but the testimony has been that these reports were deliberately omitted because they reflected a high degree of violence or at least a degree of violence in the school. Is that correct?

Mr. SELUB. No, that isn't correct. And the reason I raised that question is because I wanted that issue faced clearly at the outside.

Mr. PHILLIPS. Please do.

Mr. SELUB. I said to Mr. Silverman, at the time that my concern, that I was not completely certain as to what an untoward incident was. That my previous reports, which were all submitted, were accepted but that in one instance a question was raised by my superintendent—and I understood the question had been raised upstairs, either by Dr. Anker or Dr. Scribner.

Mr. PHILLIPS. What question?

Mr. SELUB. The question about the number of incidents and did all of these incidents actually take place.

Mr. PHILLIPS. Let me ask you about that. You and I probably have an opinion about an "untoward incident," is that correct? You thought you knew what an untoward incident was for a long period of time?

Mr. SELUB. Yes, I did.

Mr. PHILLIPS. And you had been reporting for a long period of time what these incidents were; is that correct?

Mr. SELUB. I had been reporting them as long as they had been required.

Mr. PHILLIPS. Right. And then there came a time when the top officials of the board didn't like this report, or they at least questioned the report, and wanted to know whether all of these untoward incidents did in fact occur.

There are two ways of looking at that, Mr. Selub. One is that the board really was interested in getting the information accurately and whether you were accurately reporting this, or the other was they wanted a report that showed less activity.

Mr. SELUB. I don't think that was the case.

Mr. PHILLIPS. The second report, the one that Mr. Silverman gave us, said there was an attitude, a policy on the board, to bury these statistics, to keep their heads in the sand. That is reflected in reports of the Curran committee in New York and it is a reflection of the report by Mr. Beame. So it is not only what Mr. Silverman says here, it is a position reiterated by a number of responsible public officials.

Mr. Selub. From the point of view of the questions that were asked here on those very specific reports——

Mr. Phillips. Have you read the reports, Mr. Selub?

Mr. Selub. No, I am talking about the reports I make.

Mr. Hafetz. Mr. Selub, can you get specific on those; what reports are you talking about?

Mr. Selub. I think it was November and December.

Mr. Hafetz. What were the number of untoward incidents in those reports?

Mr. Selub. I don't recall that offhand. There were probably on the average of one or two a day.

Mr. Hafetz. Which would mean about a total of——

Mr. Selub. About 40, 50.

Mr. Hafetz. About 40 to 50 incidents over a 2-month period?

Mr. Selub. Yes.

Mr. Hafetz. How do you define an "untoward incident?"

Mr. Selub. That was the question. At that time I defined an "untoward incident" as including anything that should not happen in the school. For instance, the breaking of a pane of glass, stone thrown from the outside, the lighting of a couple of pieces of paper in the wastepaper basket.

Mr. Hafetz. I have in front of me a breakdown of the incidents for Franklin Lane in the school year 1971–72, and the categories are as follows: Theft, extortion, assault, harassment, other.

Mr. Selub. Yes.

Mr. Hafetz. Are those the five traditional categories you followed in your report?

Mr. Selub. I would say so.

Mr. Hafetz. And of those 40 to 50 incidents that you were talking about in the 2-month period, the great majority fall in the first four categories that I mentioned—theft, extortion, assault, and harassment?

Mr. Selub. Yes.

Mr. Hafetz. And you did not, after those incidents were reported to you, those 40 to 50 incidents in those particular categories of behavior, you didn't feel they constituted an untoward incident?

Mr. Selub. Well, there is a question of interpretation. Let me show you how that happens.

Mr. Hafetz. Just a minute.

Mr. Selub. A question of interpretation and a question of harassment. An untoward incident being reported as to whether it is untoward or not.

Mr. Hafetz. Let's take the categories.

Mr. Selub. You asked me a question. Why can't you let me answer it?

Mr. Hafetz. I am sorry.

Mr. Selub. If a student comes into the dean's office and says: "I was taken off; I had an extortion; somebody stole from me; they took something from me; they took my bus pass, among other things."—they do not identify specifically, and maybe this is a "untoward incident," and we report it as such. It may also be because we have known these things to happen, too, that the student is avoiding the 30-day wait on the reissuance of a transportation card. In other words, this listing, at best, is raw material. It can't be evaluated all of the way down the line.

I discovered that some of my colleagues were not including those things where they did not have complete verification.

Mr. Phillips. You say "some of my colleagues." Who were they?

Mr. Selub. Other principals.

Mr. Phillips. You say other principals were not reporting incidents like that?

Mr. Selub. I do not say that specifically, but incidents where they had no verification.

Mr. Phillips. How was that communicated to you?

Mr. Selub. I have spoken to my colleagues.

Mr. Phillips. You say they are not reporting these untoward incidents?

Mr. Selub. One specifically, when I raised the question as to the breaking of panes of glass by rocks thrown through a window.

Mr. Phillips. Don't you think that should be reported as an untoward incident?

Mr. Selub. I reported it. I don't know why you asked me whether I thought that. I did report it, and I continue to report it.

Mr. Phillips. The only reason we asked you here is that I think you are a classic illustration of an individual who, according to your own testimony, had been doing a very good job reporting what you thought should be reported. Then the board of education wanted a different picture and you were told to drop the reports.

Mr. Selub. I was not told to drop the reports.

Mr. Phillips. I am not saying you were told specifically to that effect. No one specifically said that to you. You are a bright man. You knew what it meant.

Mr. Selub. Excuse me. I refuse to have you tell me what I meant by that.

I never maintained that and I don't maintain that at this point. I would like to point out, however, that all of the incidents that involved arrests, assaults on teachers, assaults on students, were reported to the board of education on the daily basis as required. So that, as a matter of fact, the late submission of those two reports had no substantial effect upon the number of incidents that were reported. There was no attempt to cover up.

Mr. Hafetz. You are saying they were submitted eventually?

Mr. Selub. No. On each day. You mean the two reports, themselves? They were submitted at the end of January.

Mr. Hafetz. You are saying they were daily reports prior to that?

Mr. Selub. Any "untoward incident" is reported to the board of education and there is tabulation at the end of the month.

Mr. Hafetz. Was there a 2-month period for which you did not submit the "untoward report"?

Mr. Selub. For which I did not submit the tabulation of untoward events?

Mr. Hafetz. It was either a daily or monthly report?

Mr. Selub. I didn't say the daily reports were withheld. When anything happened, it was reported. The arrest, the incidents of assaults were all reported.

Mr. Hafetz. You are talking about particular categories that weren't reported?

Mr. Selub. Yes, that's right.

Mr. **Hafetz**. I don't follow your testimony, Mr. Selub. I thought there was a 2-month period they were not reported.

Mr. **Selub**. I am talking about a specific report. A specific report which is submitted as a tabulation at the end of the month. Whether those incidents have been reported, or not, during the month, they must still be tabulated at the end of the month and submitted in tabular form.

Mr. **Hafetz**. Your testimony as to that is you thought there was a gray area with some of the incidents?

Mr. **Selub**. There were incidents not called in. For instance, I didn't call the board of education to say a rock came through the window.

Mr. **Hafetz**. I mean, not submitting your final report at the end of the 2-month period. Is there a reason for doing so? You explained you thought there was a gray area, some of the incidents might not be untoward.

Mr. **Selub**. That is right. Minor incidents.

Mr. **Hafetz**. Your reaction is to submit no report at all rather than to delineate what you called to be the questionable?

Mr. **Selub**. I tried to inquire. I tried to get a clarification of that.

Mr. **Hafetz**. Can you explain that?

How did you try to get a clarification?

Mr. **Selub**. When the question of previous reports was brought up to me I asked my superintendent about that, and that is when I made inquiry of my colleagues as to whether they were doing what the superintendents were talking about.

Mr. **Hafetz**. What did he say when you questioned the report?

Mr. **Selub**. He asked me whether all of these things had happened and I said, Yes, indeed, they had. He said, "You are reporting all of these things?" In other words, he, himself, I suppose, was questioning the validity of the reporting of the fact a piece of paper was set afire.

Mr. **Hafetz**. Well, isn't the implication of his remarks to you, you were not to report broken window?

Mr. **Selub**. I continue to report them.

Mr. **Hafetz**. For a 2-month period you didn't submit any reports?

Mr. **Selub**. They were submitted late, but they were submitted.

Mr. **Hafetz**. What were the circumstances under which they were finally submitted?

Mr. **Selub**. I simply sent them in.

Mr. **Hafetz**. Was there any pressure put on you at that time to submit them?

Mr. **Selub**. No, there was not.

Mr. **Hafetz**. Are you sure about that?

Mr. **Selub**. Positive.

Mr. **Phillips**. It wasn't brought to your attention that you had to submit those reports?

Mr. **Selub**. No.——

Mr. **Hafetz**. Can you give other evidence as to circumstances under which the reports were finally submitted?

Mr. **Selub**. You mean the fact that Mr. Silverman brought it up?

Mr. **Hafettz**. I understand there were various circumstances.

Mr. **Selub**. There was no request from my superintendent for that.

Mr. **Hafetz**. Was there a request by anyone?

Mr. **Selub**. No. I just said nobody at the board of education asked me about that.

Mr. HAFETZ. Why did you just hold them for 2 months?

Mr. SELUB. I was troubled about them. I was somewhat troubled about them. I was troubled about the fact there was a gray area.

Mr. HAFETZ. How did you follow the reporting system?

Mr. SELUB. The reports have been sent in every month.

Mr. HAFETZ. And did you go back to your old system?

Mr. SELUB. No, we submit everything. My assistant principal makes up the list and submits it to me. I look it over and it is sent about as he does it.

Mr. PHILLIPS. You didn't give us the name of the man you discussed with.

Mr. SELUB. No, I can't remember offhand. I spoke to several people at a principals' conference.

Mr. PHILLIPS. No, not the principal. I am asking you about the superintendent who brought you——

Mr. SELUB. Yes, I did. Mr. Oscar Dombrow.

Mr. PHILLIPS. He is your superior?

Mr. SELUB. Yes, he is.

Mr. PHILLIPS. He wanted to know why you were reporting all of these incidents? He said other people weren't reporting them?

Mr. SELUB. No, he didn't say that.

Mr. PHILLIPS. You said other people?

Mr. SELUB. I said I presume because it is directed to Dr. Anker's office, I believe, Dr. Scribner's office, I presume that it had been bucked down to him.

Mr. PHILLIPS. You told him it was bucked down to him?

Mr. SELUB. No, that was just a presumption.

Mr. PHILLIPS. You don't know why Mr. Dombrow got interested in this particular report and it wasn't a report you left out, the prior report?

Mr. SELUB. That was the prior report.

Mr. PHILLIPS. And did you ask to take the prior report back and do it over again?

What was the subject? Tell us the entire conversation.

Mr. SELUB. As best I can recall, we are on a fairly informal basis. He called me up and said, "What is going on there, what kind of a report is this? Look at all of the things you have down there."

Mr. PHILLIPS. Was that something different?

Mr. SELUB. I don't think it was. Maybe the number was up slightly. It varies.

Mr. PHILLIPS. That is what I am saying. Was it a normal report?

Mr. SELUB. Fairly normal.

Mr. PHILLIPS. You get these reports over a period of time?

Mr. SELUB. Yes.

Mr. PHILLIPS. There was some controversy occurred that made the report more significant that month?

Mr. SELUB. No, not to my knowledge. Not to my recollection. I think you are aware of the fact when people are doing a supervisory job there are times when one thing jumps out at them at a particular time that might not jump out at them another time. It isn't the only thing he has to do. He has many other things to take care of. I presume he has called me on other things at other times, where something popped up, hit his eye, and he dealt with it then.

Mr. Phillips. What was the basis of your assumption he bucked——

Mr. Selub. In this case, perhaps I am wrong about that. It occurs to me, I am not sure now whether we sent him a duplicate.

Mr. Phillips. You didn't even send him a copy. You think it was sent to the headquarters and bucked down from headquarters?

Mr. Selub. I know it was sent to Dr. Scribner.

Mr. Phillips. You don't know if you sent a copy to your local supervisor?

Mr. Selub. I can't recall offhand.

Mr. Phillips. You assume it had been bucked down from Dr. Scribner?

Mr. Selub. That is the assumption I made.

Mr. Phillips. Did you inquire into the fact that the board had been getting these untoward reports and what the condition was in these other schools?

Mr. Selub. I have a pretty fair notion as to what it is in many schools.

Mr. Phillips. What would you say the general condition of some of these schools is, in relation to "untoward incidents"?

Mr. Selub. I would say it varies from school to school, to a considerable extent.

Mr. Phillips. Would you say some of the high schools in New York no longer exist as schools?

Mr. Selub. I wouldn't say that on the basis of hearsay. I would have to go down and look at that, myself.

Mr. Phillips. You have heard that said?

Mr. Selub. I have heard that said. I certainly wouldn't want to designate a school as being in that condition.

Mr. Phillips. In other words, you heard it said among principals and teachers and professionals in the school system that some schools are so bad they don't even exist as schools?

Mr. Selub. I also heard people say to me they heard that about my school, and that isn't so.

Mr. Hafetz. What is the condition of your school?

Mr. Selub. At the present time? This past semester, I would say it is pretty fair.

Mr. Phillips. Could you tell us what percentage of the students actually graduate?

Mr. Selub. Approximately 30 percent.

Mr. Phillips. So out of the entire student body that starts with you, only 30 percent graduate; is that correct?

Mr. Selub. That is correct.

Mr. Phillips. Of the 30 percent who graduate, how many are reading at high school levels?

Mr. Selub. By law, they are all required to. They are tested and cannot be given a diploma unless they achieve a reading score of at least 8.0.

Mr. Phillips. That is grammar school level?

Mr. Selub. That is eighth grade.

Mr. Phillips. So how many of the 30 percent who graduate are reading at high school level, or don't you know?

Mr. Selub. I can't say.

Mr. Phillips. So, at least all are reading at grammar school level. Is that correct?

Mr. **Selub.** That is correct.

Mr. **Phillips.** What happens to the other 70 percent, Mr. Selub?

Mr. **Selub.** Who enter?

Mr. **Phillips.** Yes.

Mr. **Selub.** There is a very high dropout rate.

Mr. **Phillips.** And you say your school is working well?

Mr. **Selub.** Sir, this is a problem that is not unique to New York City or to my school.

Mr. **Phillips.** Mr. Selub, you come in here and testify your school is in good shape and then say 70 percent of your students are dropping out.

Mr. **Selub.** Aren't you changing the direction of the question? I think the question had to do with the run of school tone and untoward incidents?

Mr. **Phillips.** In other words, the question, perhaps you misunderstand——

Mr. **Selub.** That was the question. I believe that was the question. It seemed to me to run naturally.

Mr. **Phillips.** Let me rephrase the question so there is no misunderstanding. What is the quality of education at your school?

Mr. **Selub.** The quality of teaching in the school?

Mr. **Phillips.** No; what is the quality of education?

Mr. **Selub.** Let me make this statement before you ask the question.

Mr. **Phillips.** You are required to be responsive, Mr. Selub.

Mr. **Selub.** The quality of the teaching in the school is good. The quality of education is pitched to the level of the students insofar as it is possible, with every attempt made to raise them above that level. We have a severe problem in the school. You pointed out the fact that 70 percent of the students drop out. The fact is, of course, that more than 70 percent of the students who come into the school are reading below minimum standards, according to the State test.

Now, that is a very difficult situation to start with. I think if you are going to ask a question about how the school runs, you have to ask how well it runs in terms of the students that we have there.

Mr. **Phillips.** Well, I am asking you, in relation to how did the situation get so bad that the student intake is of such poor quality? Those kids deserve an education and they haven't gotten it. We haven't even got into our area of the question. We are trying to give them a safe, secure school.

If you want to talk about the total failure of the board of education to give these children an adequate education so they come into the high school reasonably suited to take the courses given there, that is another problem.

What percentage are far behind the reading level in the eighth grade?

Mr. **Selub.** Over 70 percent.

Mr. **Phillips.** Over 70 percent?

Mr. **Selub.** At the time they come in.

Mr. **Phillips.** Academically, 70 percent are in bad shape.

Mr. **Selub.** That is correct.

Mr. **Phillips.** How bad are they?

Mr. **Selub.** The rating that comes under the question of minimum competence is not given on the basis of a grade level. It is a percentile.

Not exactly a percentile; it is the bottom three stages of the New York State minimum competency test, and it means that those students that are in the lower 30-something percent, without any reference to a particular grade level, are considered to be below minimum competence.

Mr. **Phillips**. And you say 70 percent of the pupils entering your school are below minimum competence?

Mr. **Selub**. That is correct.

Mr. **Phillips**. You say of the 100 percent that arrive there, 70 percent do not graduate?

Mr. **Selub**. That is correct.

Mr. **Phillips**. And you say the quality of teaching is high?

Mr. **Selub**. Yes, sir. I don't believe that is mutually exclusive.

Mr. **Phillips**. I don't either, and I just think maybe we should pay people on the basis of results.

Mr. **Selub**. I said it was good, and I think the question of the result has to be looked at in terms of the question of what we start with: Students who are already severely disadvantaged.

Mr. **Phillips**. I think you should address that complaint to the people who are teaching those schools. I think you should address it to your administration. I think your administration should be vitally concerned with that, as well. You are talking about receiving student input which is incapable of going through the 4-year curriculum and they are tremendously disadvantaged. What programs exist in the grammar school to avoid that disadvantage?

Mr. **Selub**. That is a severe problem. I am not really qualified to answer as to what is going on.

Mr. **Phillips**. I suppose that is another example of reports unread. No other questions.

Chairman **Pepper**. Mr. Selub, how long have you been principal?

Mr. **Selub**. Five years.

Chairman **Pepper**. I am sorry I missed some of your testimony. What do you think would be a proper program to deal with the problem of drugs in the schools? Is there a serious problem of drug abuse in your school?

Mr. **Selub**. I presume that there is. I don't have any figures that match up to some that have been quoted around. The only hard figures that I have—and I don't know how hard they are—is a report on a survey that was done by the Columbia University School of Public Health, an administrator of medicine in the school, that dealt with a sample of about 800 students.

The figures in there are at variance with almost all of those that have been used here today. To a certain extent, at variance with the experience of the drug specialists in the school, and——

Chairman **Pepper**. You don't have, through your own sources of information, any knowledge about the extent of the use of drugs in your school?

Mr. **Phillips**. Yes, sir; we do. We have reports, the report that Mr. Jaffee gave to Dr. Scribner before, which indicated that 325 students had been seen and had been referred and had been worked with.

Chairman **Pepper**. Over what period of time?

Mr. **Selub**. Over the last year.

Chairman **Pepper**. How many students do you have in your school?

Mr. **Selub**. The register is about 4,500.

Chairman **Pepper**. About how many?

Mr. **Selub**. Over the year, at the beginning of the year it was over 5,000. At the end of the year, approximately 4,000.

Chairman **Pepper**. Have you had any directives from the board of education as to the use or abuse of drugs in the schools by the students?

Mr. **Selub**. Yes, sir. We have received a number of directives on identification of drug users, on procedures for reporting, on methods of treating, on systems of referral. We have also received several programs from the board.

Chairman **Pepper**. Have they given you instructions that everything that can possibly be done by you, your faculty, and your associates to curb the use of drugs in your school shall be done?

Mr. **Selub**. Yes, sir.

Chairman **Pepper**. Including, if necessary, the use of undercover police officers?

Mr. **Selub**. I don't know that that was specifically stated, but there have been undercover police in the school before, before Mr. Silverman arranged for it. We have asked for it on a number of occasions. Unfortunately, we have often received an answer from the police department of this nature. That they have a limited number of undercover men who would qualify for service in the schools. When we have made these requests they have said to us they had other schools that needed their services to a far greater extent.

Chairman **Pepper**. Do your teachers report to you any observation of drug use or abuse, or any suspicion of it that they see?

Mr. **Selub**. If you are talking about specific cases, the teachers follow the line of referral that is set down for them. They usually refer to the dean or the assistant principal in charge of security, or to the drug education specialist, or the peer group, the teacher in charge of the peer group. They also make referrals to the guidance counselors.

Chairman **Pepper**. I know, but do they report if they find evidence of trafficking in drugs or the use of drugs in the school?

Mr. **Selub**. Ordinarily to the deans of the schools. These are the disciplinary officers of the school.

Chairman **Pepper**. Then what does the dean do? Tell us about it.

Mr. **Selub**. The deans report to me. As a matter of fact, the deans are fairly efficient and if there is a case of drug abuse on the spot, the student is brought down to the emergency room, given treatment, or an ambulance sent for. The procedures as outlined by the board of education are followed.

Chairman **Pepper**. Do the students in your school know that if they are caught either taking drugs, selling drugs, or trafficking in drugs, that something will be done about it by the disciplinary authority of your school?

Mr. **Selub**. Yes, sir.

Chairman **Pepper**. We have heard evidence that they constantly resort to the restrooms and the stairways, and the out-of-the-way places for trafficking in drugs, or the use of drugs. Are some of your people engaged in checking those places to see whether that is true or not?

Mr. SELUB. When I came to the school about 5 years ago, there were reports of a considerable amount of traffic in drugs in the toilets. Both the boys' and the girls' toilets. Information like this usually gets to the deans. Students are not as reticent as some people believe they are, for various reasons. They do report these things, so the deans make it their business to find out, and not only do I know the deans went up to the restrooms where they suspected these deals were being made. I know they did, because I was along with them on a number of occasions.

After a couple of years I would say—it didn't stop immediately—after a couple of years the drug traffic seemed to have gone from the toilets into the cafeteria and to the out-of-doors.

The report that I heard this morning about the use of the stairwells may be true. But I don't know of anybody who has been up and down those staircases more than I, and I have never seen anybody selling drugs. I have never witnessed, as so many people tell me, by hearsay, sexual acts, and I do know when the students of the school heard on WNDC's program that drug traffic and prostitution was rife in the school, they were so deeply incensed that they went down and picketed the station. They said there were drugs there and they said there were drugs every place they knew of, in their neighborhood and their friends' schools, too.

Chairman PEPPER. Is it your opinion that there is no serious drug problem in your school?

Mr. SELUB. No, sir; I am not saying that. I am saying that the problem at Lane is no more serious than that at most of the other schools in the city.

Chairman PEPPER. The counsel has some quotation.

Mr. PHILLIPS. This is a quotation from a report by Mr. Beame, a report dated July 1971:

> A dean at Franklin K. Lane in Brooklyn reported to us that in his view, "The school is an anarchy." After being in the dean's office for a 3-hour period, the dean's assertion seemed to have validity. During that time two students came to report their transit passes were stolen. One boy reported 50 cents was taken. Another boy was brought in by a young policeman who accused him of starting a fire in the lunchroom. The boy was searched—two glassine envelopes of heroin were found in the boy's shoes.
>
> We were told it was not unusual to have students shooting or snorting heroin in the cafeteria of the school.
>
> Also, according to that dean, unreported incidents of robbing and mugging; apparently many students were afraid to report for fear of reprisal.

It goes on. Is that a fair representation of what is happening in your school?

Mr. SELUB. Absolutely not. First of all, I would like to point out that the attendance figure in the school is 62 percent, not the 50 percent or 52 percent that was previously testified to.

Second, I would like to point out the school is not in a state of anarchy, and that it is quite possible to be in the building for prolonged periods and not be aware of the fact that any such conditions exist.

I would like to turn to something Mr. Silverman said, with the implication what I was saying was not so. He asked me whether I would have my son or daughter registered in this school if they lived in the neighborhood, and my answer was "Yes." As a matter of fact, at the current time, we have a special program in the school that has brought in there on a voluntary basis by the Brooklyn Bureau of Community Services, because my sister had wanted to do a special project in the school to help, and I said there was no better place to work than in my school.

She has been in the school with another social worker for 20 weeks now. She has free passage through the building. People do not know she is my sister.

She expresses great puzzlement over the fact that when she calls up her office and says, "I am at Franklin Lane," somebody says, "Are you all right?"

Now, this is a matter of the kind of reputation that we have gotten through unfair publicity. We have had violence in the school, we had serious violence over a prolonged time. But let's remember the context in which it happens. The entire Nation's schools and campuses are in flames. You referred before to $1½ million of damage at Columbia University. It was at this period, during the period after the teachers' strike, during the period of struggle over decentralization and the return to school, militancy and student unrest reached the high peak and continued for about a year and a half.

Lane was one of the first schools in which it ripened and the school that bore the brunt of it.

But every time anybody turns around with a problem of any sort dealing with violence in the schools or drugs in the schools, they turn to Lane. That was the principal reason I did not want Mr. Silverman to come into the school, because he said at the time that he wanted to "Do a program about citywide problems."

I asked him, therefore, why he didn't do it on a citywide basis. He said he was going to do a "lyrical and compassionate" picture of the school. If this was lyrical and compassionate, I would hate to see what he would do if he disliked me.

The fact is there was nothing untoward happening at Lane when Mr. Silverman wanted to come. I see no obligation on the part of the school to supply the media with grist for their mill.

Chairman **Pepper**. Are you suggesting, Mr. Selub, that whatever Mr. Silverman might have gotten out of your school would have been false and not true?

Mr. **Selub**. I would like to point out that there are all sorts of ways of presenting the truth. For instance, on his program which appeared this spring, he interviewed a teacher, to whom he referred to as Miss Judith Pryor, who was assaulted in the school.

He interviewed her and there was no reference to the fact the assault took place either in December 1968, or January 1969. It must have been January 1969. It was made to seem as if it had just about taken place.

He also said, accepted her word, even though I had already told him otherwise. He didn't indicate in any way there were two sides to the story, or two possibilities. Miss Pryor said she was treated with lack of humanity, that she was just allowed to leave the school and get on the train.

As a matter of fact, I spent about an hour and a half with her, soothing her and counseling her in my office, and some staff member did accompany her out of the school to the subway, on the subway.

We tried constantly to get in touch with her, found her difficult to reach. She was kept on the school roster and given leave of absence by the board of education, far beyond the nature of any injuries that she received at that time, out of consideration for the fact that there was a traumatic incident.

But that was true, the incident did take place. I didn't trust Mr. Silverman to give a balanced picture of the school, and I don't think I was wrong.

Mr. **Brasco.** Are you saying the incident didn't happen?

Mr. **Selub.** No, I said it took place in January of 1969 and it was reported as if it had happened this past year.

Mr. **Brasco.** But the incident did happen?

Mr. **Selub.** Yes, it did, at the time all the student unrest was taking place.

Mr. **Brasco.** You said there two sides to the story. By that do I understand you to mean that there was a side to the student's version that made Miss Pryor's story unbelievable?

Mr. **Selub.** No, the student was never apprehended, if he was a student. What I said was Mr. Silverman implied here that there was callousness on my part at the time that Miss Pryor was assaulted, that nobody was concerned about what happened to her, nobody was interested, she was just shuffled out of the building and told to go home.

Mr. **Brasco.** We had some reports that you were assaulted on one occasion.

Mr. **Selub.** That isn't so.

Mr. **Brasco.** You were not?

Mr. **Selub.** Never.

Mr. **Brasco.** You were not.

Mr. **Selub.** That is true; I was never assaulted.

Mr. **Brasco.** I also understood that a UFT representative was assaulted in your school.

Mr. **Selub.** Recently?

Mr. **Bauman** (from audience). That is correct.

Mr. **Brasco.** May we have a date?

Mr. **Bauman** (from audience). That was December or January.

Mr. **Brasco.** Either of 1971 or January of 1972?

Mr. **Bauman** (from audience). That is correct.

Mr. **Brasco.** What was the gentleman's name?

Mr. **Bauman** (from audience). George Altimori.

Mr. **Brasco.** Is that so?

Mr. **Selub.** Mr. Altimori mentioned something about an incident and I asked him whether anything serious happened, and he said no. I asked him if he wanted to prefer charges and he said he wasn't interested in preferring charges. I don't know that he considered it an assault.

Mr. **Brasco.** You don't know he considered it an assault?

Mr. **Selub.** That is correct.

Mr. **Brasco.** What did you hear about it? I assume if you asked him the question, you must have heard something about it.

Mr. **Selub.** It comes back to my mind. I asked him whether an incident had taken place and he said there was some misunderstanding in the hall. I think it was something, a hand movement, or something like that. I can't say for sure. I don't recall clearly.

Mr. BRASCO. Mr. Selub, are you saying that the school has no problems?

Mr. SELUB. No. I am not saying that at all. I am saying there is a question of keeping the problems in perspective. I am saying that the question of violence, which is always brought up, just as when I was summoned here, the headline that appeared in the Long Island Press said: "Crime Commission Zeroes in on Lane High School."

The rest of the thing went on to talk about Mr. Spinelli. This is the kind of reputation the school has. If anything is brought up, immediately is mentioned, "Mr. Selub, principal of the troubled Franklin K. Lane School."

Mr. BRASCO. That was the same school where a teacher was doused with kerosene, was it not?

Mr. SELUB. Yes, sir. In 1968.

Mr. BRASCO. Were students assaulted on trains going to and from the school, and also in the school?

Mr. SELUB. Yes, sir. In my testimony I was referring to the fact that there was a very difficult time ranging from the period right after the strike of 1968 for about a period of 2 years.

Mr. BRASCO. We are not interested in assessing blame on anyone. The things we are interested in is that these incidents do occur and they are reported to us, and we are being asked to do something about it. It is that simple. If we don't do the job we can be voted out of office. If you don't do the job you should be exposed.

You should be out of the box. That is what we are talking about.

Mr. SELUB. People were afraid to press charges. They had doubts as to the extent to which the principal or the administration would back them up.

I can't think of anything that should have led anybody in the school to believe that preferring charges would in any way reflect upon them. I have always asked people, when they refused to press charges, I asked them if they wouldn't reconsider.

Mr. BRASCO. Whose responsibility is that? I am sitting here, you are sitting there. We have this problem. Who is going to be responsible for the school system? The school system that asks us for money, the school system that is supposed to educate our children for the roles of future leadership? Who is going to stand up and be responsible if not you?

Don't you think there is a dereliction of duty if a schoolteacher is assaulted and allows the student that assaulted him or her to go unchecked?

Mr. SELUB. I don't think you could bring charges of dereliction of duty against the teacher on those grounds.

Mr. BRASCO. I am suggesting she bring charges. I am asking if this is a fatal defect in the system.

Mr. SELUB. That student doesn't go unchecked. The student who assaults a teacher is placed on suspension.

Mr. BRASCO. I saw in my own office, films taken by NBC in which there were drug sales consummated. I saw in my own office a crap game going on, where a security guard was walking by.

Mr. SELUB. You mean the policeman?

Mr. BRASCO. Yes. Isn't that your responsibility, just as things that go on in my district with respect to the Federal Government are my responsibility?

Mr. **Selub.** I feel you have a right to ask those questions but I would like to know what you mean by "responsible."

Mr. **Brasco.** You are not responsible for the crap games?

Mr. **Selub.** Of course, I am responsible for anything that happens on the school grounds.

Mr. **Brasco.** What are we doing about it? Are you saying it didn't happen? Are you saying Mr. Silverman didn't give an accurate account? I know something of the history of the problems there. I intervened with the transit authority to put more men on the train so the kids could get to and from school safely. I called the 75th precinct. I have called everyone under the sun. You know that while we have not met in person, I think we have either spoken over the phone or I have spoken to the assistant principal. I have done everything humanly possible, but the situation seems to be out of hand.

It was told to us by Mr. Silverman that you had reports pertaining to violence in school for 2 months on your desk. Is that correct?

Mr. **Selub.** Yes. I just testified to that.

Mr. **Brasco.** I am sorry, I wasn't here. What was the reason you didn't send them in?

Mr. **Selub.** I will go back over it.

Mr. **Brasco.** I don't want you to go over it. I will take a look at the testimony, myself. The fact is, Mr. Silverman was correct?

Mr. **Selub.** That is correct. I said that right at the outset. It was one of the rare instances I felt he was accurate.

Mr. **Brasco.** Where did you feel he was inaccurate?

Mr. **Selub.** I feel he was inaccurate when he spoke about the fact 55 experienced teachers left the school. I don't know if that is an accurate figure. He is talking about the fact that over a period of 5 years, when I came to the school, we had something like 60 percent regular teachers in the school, maybe fewer.

In that time, on the other hand, teachers who sub in the school have requested appointment to the school. There are people who work there, they like it, and are willing to stay there.

At the current time, even short of the time when the board of education began to appoint everybody from its list, we had raised this figure something like from 50 or 60 to 85 and now that the board of education is appointing everybody from the list, we are over 90. People who want to leave the school ordinarily leave the school. Yes, people transfer. They transfer because they move away; they transfer because they want to go to a school that is easier. I am not sure the loss is so great.

I am not sure some of the people who transfer really do feel equipped to deal with the needs of the students in our school who have difficulties. They want to teach some place else.

Mr. **Brasco.** You are not really talking about the accuracy of the 55 percent?

Mr. **Selub.** It wasn't 55.

Mr. **Brasco.** Do you know the correct figure?

Mr. **Selub.** The number was closer to 40.

Mr. **Brasco.** All right. That is a high enough turnover in and of itself. What you are then suggesting is that is an ordinary turnover in the school?

Mr. **Selub.** It is an ordinary turnover in a school in the inner-city areas.

Mr. **Brasco.** But the point we are bogged down in, you are taking it personally.

Mr. **Selub.** No, I am not taking it personally.

Mr. **Brasco.** What we ought to admit is this is a problem in all of the inner-city schools and what we ought to be able to do is dig in our heels and if we have to fight the board of education or the chancellor's office, this is where it should be. These fights have to begin from the grassroots on up. Silverman and Bauman should be commended.

Mr. **Selub.** I am making another point. I am not absolutely certain that was a minus for the school. This is not in criticism of those teachers.

Mr. **Brasco.** But you are supposed to say that.

Mr. **Selub.** No; I am saying that these teachers were not comfortable teaching students who have difficulties in reading, who have severe problems of educational disadvantage. They prefer to teach middle-class students and that is why they moved.

I don't blame them for that. But I am simplying saying from the point of view of Franklin K. Lane, that is not a loss.

Mr. **Brasco.** Let me ask you this. I have heard that if you could eliminate 350 to 400 kids from Franklin K. Lane that you would have a relatively safe school, wherein you could get about the business of educating rather than just being concerned about safety. Is there any truth to that?

Mr. **Selub.** No, I never made that statement. As a matter of fact, my private title for that is the "5 percent fallacy," with all due respect to the fact it was mentioned here a number of times. I feel that this has come up many, many times in schools, not just this school, in middle-class schools. When I first entered the system they used to talk about 3 percent. If you just got rid of the 3 percent the school would be perfect. Now people talk about the 5 or 8 percent. I don't think that is the answer to dealing with educational problems.

What I would like to see is something quite different.

Mr. **Brasco.** The point is, then, do you feel there are any students in your school that because of emotional problems, either caused by drugs, social, or economic disadvantage, it is impossible for them to learn in the same kind of setting as other students?

Mr. **Selub.** Yes, I would say there are some. That is true. But I don't refer to them in that particular way. I think there is a difference.

You see, Congressman, I think there is a very real difference. Semantics sometimes gets down to reality. The difference is that I don't talk about any percentage. I say when we come across a case of a student who is not emotionally suited to go to a school, who needs to be removed from the school situation, we ought to deal with that student.

Mr. **Brasco.** I agree.

Mr. **Selub.** We agree. But it is just that I don't see this business of 350 kids in the school.

Mr. **Brasco.** I don't know what the number is. Can you pick out a number?

Mr. **Selub.** No, I can't. I would have to go on an individual basis.

Mr. **Brasco.** Don't you think we ought to start trying to do that, Mr. Selub?

Mr. **Selub.** In that case we are very much tied up by law.

Mr. **Brasco.** What law is that?

Mr. **Selub.** First of all, we have to supply an education for anybody who wishes it, up to the age of 21.

Mr. **Brasco.** Even if somebody doesn't come to class and is a disruptive influence in the hallways and classrooms?

Mr. **Selub.** Unless, as far as I know, you can show there is some sort of psychological malfunctioning, or something that is diagnosed in some way medically or psychologically. In other words, if you are talking simply about behavior incidents, individual incidents, even of the worst kind, even very bad ones, the case is dealt with on the question of suspension from school. Perhaps a suspension to the superintendent's office. And today, these days, an attempt to place students in auxiliary services or alternative school settings. But in the end, I do not believe that the schools can—what is the old word that used to be used—not suspension—expel. There is expulsion under the rarest circumstances, and I think it can be done only by the chancellor, himself.

Mr. **Brasco.** Let me ask you this. If you, as an administrator of a school like Franklin K. Lane had the right to expel, could you make it a better school?

Mr. **Selub.** Perhaps. I don't really know. It is an interesting thought. I have never been faced with having that power.

Mr. **Brasco.** I know that. I understand what you are saying and you understand what I am saying.

Mr. **Rangel.** I don't understand. You two men understand each other.

Mr. **Brasco.** He would like to have the power to expel and I think he would use it prudently and I think he would probably have a better school.

Mr. **Rangel.** Are we talking about those youngsters who are moved into the the area when the community doesn't want them?

Mr. **Brasco.** Let me say this, Mr. Rangel, since that is my area: I don't know whether the community wants, or doesn't want, but I will tell you something very simply. That unless there is something done to control—and I mean that very sincerely—to control the situation that exists, and the leadership must come from the board of education, it is a waste of time sending young people anywhere if disruption is the order of the day. I will take you with me and you will see what happens when school empties out, when the stores have to close up, and the people are afraid and they move out from homes around the schools. It is a very real problem.

Mr. **Rangel.** Is this what you said and Mr. Selub understood without saying?

Mr. **Brasco.** I think what he is talking about is to expel some people who are disruptive. I don't care who they are, black or white. If they are disruptive, they should be expelled.

Mr. **Rangel.** I don't know who you are talking about.

Mr. **Brasco.** I am talking about anyone who is disruptive. I didn't understand who he was talking about. I understood he wanted to have the power to expel.

Mr. **Selub.** I am a little concerned about that power to expel. It is the old question of trusting myself but not being certain how everybody else is going to use it. I know there have been abuses of suspension powers in the distant past. Maybe not so distant. And perhaps that is why we are in the mess we are in today, because people leaned over backward on the question of suspension.

Mr. Brasco. I am glad this came up again because I am not ready to place blame on the community based on reasoning that says a foreign group of youngsters are coming to a school and that's why people reject them.

Mr. Rangel. These are foreigners you are talking about?

Mr. Brasco. No.

Mr. Rangel. That is the term I understood you to say before.

Mr. Brasco. A group of students comes to a school; they are disruptive; then blame is placed on the community. The school is supposed to lead, in my opinion, the students and the community. I personally don't think there would be any problem with any students going any place in the city for educational purposes, provided the school has the adequate tools to deal with problems. Maybe one of those tools is expulsion. I believe, Mr. Selub would use the tool wisely.

I am sure he could document the case from A to Z.

Mr. Rangel. Is that the impression you have now?

Mr. Brasco. No, I am talking about the fact that he wanted the right to expel and didn't have it.

Mr. Selub. Let me assure you, Mr. Rangel, no particular group would ever be singled out by me for expulsion. An individual student if I have that power, I imagine it would have to be used with almost the rarity of the blooming of a century plant.

Mr. Rangel. I thought because you two had chatted earlier——

Mr. Selub. No, sir.

Mr. Rangel. Did I understand you correctly to say you started out with 5,000 students and ended the year with 4,000?

Mr. Selub. Yes, sir.

Mr. Rangel. You are losing how because of age?

Mr. Selub. For a variety of reasons. Students move, they drop out. We have a small graduation in January.

Mr. Rangel. Someone told me that you said 30 percent of the group graduated; is that correct?

Mr. Selub. Approximately 30 percent. I think we graduated close to 500.

Mr. Rangel. Something about the eighth-grade reading level?

Mr. Selub. No. Students are required to have an eighth-grade reading level. Minimum eighth-grade reading level in order to be given a diploma. If they have under that, they receive a certificate.

Mr. Phillips. Tell us how many receive certificates and how many get diplomas?

Mr. Selub. Approximately six or seven receive certificates. I would say six or seven this year. We have a special program that we carry on for the last year or so of high school, trying to pick up those who are approaching graduation and who are still under that score in reading.

Mr. Rangel. As an educator, would you say the caliber of students you get is responsible for your lack of ability to graduate a "high school graduate," in the American parlance?

Mr. Selub. It isn't as simple as that, Mr. Rangel. Dr. Scribner made a very important point before when he said he is not going to authorize any more schools of 4,000 or 5,000. It is bad enough having too large a percentage of the incoming class below minimum competence in reading, but when that large percentage is a large percentage of a large number in a school with a large number of students, it becomes very difficult to administer to their needs at the level that they have to start at. They are very badly in need of remediation, special services of all sorts, and even if we used every teacher and had nobody in the office any place, we couldn't provide the place nor instruction for them at that level.

They should be undoubtedly in classes of 10 or 12 and have all kinds of services. I can give you an almost ideal program for Franklin K. Lane. We have something very similar to what we should have. It is called the "college bound" program. It is federally funded. It is supposed to be for high-risk students.

Mr. **Rangel**. Is that reflected in your 30 percent graduates?

Mr. **Selub**. Yes, sir. Let me make a point about the college bound students. They are supposed to be high-risk students. In some schools in which they have a college bound program, the college bound students are at the bottom rung of the graduating class or much closer to the middle; because, to start with they are supposed to have some degree of retardation but not too much.

They are supposed to not have disciplinary problems and they are supposed to be fairly good in attendance.

Now, that in Lane does not constitute a high-risk student. These students, in addition, get a program in which they have small classes under Federal funding, a maximum of 21, I think, in the English classes, and they get a double period of English, something like 18 in the language classes and under 15 in the sciences and math. Those figures, give or take one or two.

In addition, there is a guidance counselor for each incoming group of 100. Furthermore, there are at least three family assistants to make home visits for this group, to make contact with the home, keep the parents informed as to how the students are doing, to discover whether there are any problems that are being taken care of.

In addition, they have a summer program. They go to cultural activities, they get extra tutoring. It is an ideal program.

Mr. **Rangel**. That is not a regular high school program; that is a remedial program?

Mr. **Selub**. No.

Mr. **Brasco**. You want to keep them out of city colleges because they are not prepared to go there, and you graduate 30 percent even with a college bound program because you are getting crap and you go to the junior high school and they tell me they have got crap, and the kindergarten, also. They say they don't come from anything, and here we are as legislators talking with educators, and you know that without a drug problem we would still be in bad shape. Right?

Mr. **Selub**. That is correct. But, Mr. Rangel, I am willing to undertake and put my job on the line. I am willing to undertake a school in which the students do not fit the college bound restrictions. I am willing to take any student who wants to come to my high school in that same kind of program of one guidance counselor per hundred, the same kind of double class in English, the same kind of counseling, same kind of summer program, the same kind of cultural activities, and I say to you that I could swear that the number of students who would graduate from that high school would be closer to 85 or 90 percent, and that the drug problem there would be very minimal.

I am not going to say there would be no drug problem.

Mr. RANGEL. I think I could agree with you. Is Commissioner Finney here? See if he has gone.

You are talking to a former high school dropout. When I studied some of the commissioner's programs, even though I didn't hear him contradict Congressman Brasco's figure of less than 1 percent rehabilitated, I was hoping he would. But with some of the programs they have designed for the so-called addict, if you could give me that type of program for 99 percent of my kids, I can assure you they would not become addicts.

So the type of school system that you are talking about, I think, really comes closer to the ideal because you are dealing with some of the facts and circumstances surrounding a child's life outside of the school system. You are attempting to deal with that.

It just seems to me if we were talking about this before it got to you that it might make your problems a lot less heavy to carry—if we were talking about the entire system perhaps in terms of what makes a person become an addict, and starting from the beginning to the end as far as the custody of the child is concerned as relates to the board.

Mr. SELUB. I can tell you this, Congressman. When I hear some of the stories about some of the students, about the circumstances of their lives, my wonder is not that the percentage is high, but that it isn't higher. There are young people in my school, in this respect Mr. Silverman was absolutely right, who come to school who are hungry, who have all kinds of difficulties.

Mr. RANGEL. Could you answer, with the chancellor behind you, whether or not the board of education has a comprehensive program that deals with education prior to reaching the high school dropout level? Starting with Headstart, has there been any attempt to connect up with Headstart and Followthrough?

Mr. SELUB. I am not aware of it, sir, I don't know.

Mr. RANGEL. But that would make, to me as a layman, more sense than for you to get it at the end or seek to attempt to rehabilitate what you weren't able to do.

Mr. SELUB. That is true.

Chairman PEPPER. I want to ask you one or two questions, Mr. Selub. Are any of the Federal programs in your school now very significant to you? Do they mean much to you, in respect to drugs?

Mr. SELUB. If we are talking about drug prevention for students who are already having great difficulties, well, to an extent, yes. I think the peer group program is funded to an extent by Federal funds and it does operate in our schools and has had some impact on the school. Whether it could be better or not, I am really not prepared to say at this point.

Chairman PEPPER. Do you get any Federal money having to do with treatment and rehabilitation of those who use drugs or become addicted to drugs in the schools?

Mr. SELUB. I don't know that I could identify anything as having Federal funding.

Chairman PEPPER. What you suggest this committee recommend to the Congress that might provide federally funded programs that would be of real help to you in your school in dealing with drug abuse and addiction?

Mr. **Selub.** It may seem oblique, Mr. Chairman, but the expansion of a program like the "college bound" to me has more long-term impact than the programs that are meant for immediate prevention in terms of students who are not getting what they need, actually, in the schools.

We have great needs. We need more guidance counselors. We need more health personnel. We need more remedial reading instructors. We need smaller classes. We need more buildings. And I would say those really are at the root. I shouldn't say they are at the root. They are only at the root of the educational problem and social problem.

I would find it hard to simply suggest a program that is custodial, or policelike, or one that requires heavy security. Sure, I could use security guards in the school at the current time. There was a time when teachers were required to patrol the building. When the contract took away our power to put teachers on patrol, we were given nothing to substitute for it. Recently some security guards. But I would need more. I think that every school, even under the best of circumstances, needs some people in the hallways to see to it that students don't annoy others in rooms, even on a mischievous level.

Chairman **Pepper.** At Fort Lauderdale, Fla., we have an institute called the Seed which is run by a man who is not a professional man. He is not a psychiatrist, psychologist, or an educator. As a matter of fact, he had alcohol problems of his own earlier in life. But the man runs this institution and gets youngsters from the schools, public schools, assigned there from either the juvenile courts, the school authorities, or by the parents of the children; and a few who come voluntarily.

They use very little drugs in their treatment program, but the man seems to have a masterful capacity to lead and guide young people. They have what they call rap sessions from 10 in the morning until 10 in the evening, and then the students who don't have places to stay of their own in the Fort Lauderdale area go to the homes of the students who work with them, who are there, who live in the area.

It is a program of several weeks. They claim about 90 percent success in dealing with those young people. I met a judge from Miami, and I asked him what he was doing.

He said, "My wife and I brought our teenage daughter up here. We almost had to bring her by force."

I was advised she sat with the group that evening in a very sullen, resentful mood, but I have later been advised by others that the girl was home now and the judge and his wife are very happy at how this young girl has been rehabilitated. She has a new attitude on life.

I was wondering could we do things like that in the schools? Do you have programs where you are trying to do that sort of thing with the students?

Mr. **Selub.** The peer group program does try to do that on a more limited scale, because we are restricted in terms of space and it is hard to manage with a school going on, with students going from class to class. There isn't complete understanding and acceptance by all teachers of this program. And sometimes when a student goes to the peer group, to their rap room, teachers tend to resent this. There is a feeling that the kid is cutting class but going to an acceptable place to cut.

That is not my feeling about it, because I have seen very positive results come from the peer group. I know it has developed some student leaders who have helped to cool things around the school when things seemed to be getting a little rough. They were part of a group that were out in the hall when the teachers were patroling on a trial basis and their approach to students was not vigilantism at all. Their approach was to stop, speak to the student, ask him why he was in the hall, why he didn't like the class, and to offer to help him if he could come to the rap room. They offered to take him to his class and explain to the teacher he was coming back to the class. In other words, it was principally a student-to-student approach.

Chairman **Pepper**. Mr. Selub, I think all of us are aware, as Dr. Baden testified, that we ought to start at an earlier age in the school system to try to detect those students who have a predeliction toward what we would call antisocial conduct.

If they have hearing, or seeing, or speech defects, for example, we have a program to teach them, to help them. But if a child is just not properly balanced, not normal in his or her reaction, and seems to have an antisocial attitude, there isn't really anything to do about it in the school system at the present time, is there?

Mr. **Selub**. There are guidance counselors even in the elementary schools. They try to work with youngsters, but the numbers are inadequate, I suppose, and not enough is known about this.

There was recently a report from England about the fact that the attitudes developed in working students and antisocial attitudes from poorer kids at the ages of 6 and 7. Now, I really don't know what can be done about that, except to provide them some better opportunity, even earlier down the line.

Chairman **Pepper**. Do you agree, to summarize the problem, that the school authority, the educational people who know how to work on the problem of how to educate, that those people and the medical people should collaborate in devising and designing plans that will be, in their opinion, the best possible plans to use in dealing with this problem of drug use and abuse and addiction; and then the Federal, State, and local governments should collaborate in the funding of those programs, and in the execution of them? Do you agree to that?

Mr. **Selub**. Yes, sir. It is the only approach I think will work. It has to start when these kids are young, really young, to avoid the alienation that seems to go up. Of course, it requires other moves on the part of society so that these young people will not feel that society doesn't care for them.

Chairman **Pepper**. You might ask why we, a crime committee, are concerned about drugs in the schools. It is because we know from many, many sources that drugs have a great relationship, a very direct relationship, to crime in this country. If the children learn to be users of drugs in the schools, after a while they are going to go out on the street. One of the witnesses testified the other day that the students pushers got too busy sometimes to stay in school, they had to get out on the street to peddle drugs in order to take care of their needs.

In my city of Miami, the son of one of the top businessmen became addicted to drugs in the school and died at 18 years of age from an overdose of heroin.

It is not the only tragedy. About 227 youngsters under 19 years of age died in New York last year, about 40 or 50 of them under 16 years of age. The chances are that they started, or got some encouragement for their addiction, in some of the schools they attended. We are concerned about stopping them from adding to those figures.

We get estimates that you have anywhere from 200,000 to 400,000 addicts in New York City, alone. We don't want to see that addict population added to by those that are learning and coming out of the schools. Maybe we can stop it there. And then do what we can with that mountain of a problem of those that are already out there, that are already addicted, some of them hard core.

You are getting Federal money for certain educational programs. We hope we can help you in this area.

Any recommendations you have, we will be very glad to have, if you would like to amplify.

Mr. SELUB. I would like to submit something to the committee in writing, if I may.

(The recommendations had not been received at time of printing.)

Chairman PEPPER. All right. Thank you very much, Mr. Selub. We

The next witness is Mr. James Baumann, a teacher at Franklin K. Lane High School in Brooklyn, N.Y. Be seated please.

STATEMENT OF JAMES BAUMANN, TEACHER, FRANKLIN K. LANE HIGH SCHOOL, BROOKLYN, N.Y.

Mr. BRASCO. You are a teacher at Franklin K. Lane?

Mr. BAUMANN. That is correct.

Mr. BRASCO. I have spoken to you on several occasions prior to the hearings with respect to some of the problems at Franklin K. Lane. Is that correct?

Mr. BAUMANN. Yes, that is correct.

Mr. BRASCO. We have heard it said here this afternoon that Mr. Silverman's appraisal of what was going on in Franklin K. Lane was exaggerated. Do you find it to be so?

Mr. BAUMANN. I think the committee has to understand what happens when the media gets involved with a school, particularly in the instance of Lane. Our experience with the newspapers or with any of the other media has not been too good, except in certain instances.

I think that while I was not aware of any information that was not factual, I think the presentation of some of that information was misleading. Specifically, I remember one line from, I think, the first piece that was done on the "Six O'clock News," in which it was stated that prostitutes carried on activities in the building.

That can be interpreted in any number of ways. It is my experience that there is some of this kind of activity going on in the school, both homosexual and heterosexual. As far as numbers are concerned, I feel it is probably very, very small. But it was true that one of the undercover agents was solicited while he was in the building.

Mr. **Brasco**. Let me ask you this, Mr. Baumann. With respect to prostitution and homosexual activities, would you say that they go on while the school is in session?

Mr. **Baumann**. I don't have any personal experience with that, but I have heard it has happened in the building. And as I said, I think it is probably rare. But that kind of thing can be easily sensationalized, and I am not saying Mr. Silverman did that. But it is the kind of news story that is received that way in the press, and can be very easily presented that way.

Mr. **Brasco**. I know. But suppose we are talking about one or two instances. It would seem to me—I don't know, I was born and bred in New York, I was the athletic director at the Brownsville Boys Club which is not far from Lane school. I practiced criminal law for 10 years and tried every case from murder to spitting on the sidewalk, and I don't consider myself to be particularly naive or one who is easily shocked, but when you hear what is going on in a school during school hours, it is shocking to me.

I would hope that it is shocking to everyone else in the educational field, and even if it is only one instance, it ought to be shocking enough to want to do something about it.

Is there anything being done about the very limited number of cases of homosexuality and prostitution that goes on at Lane that you know of?

Mr. **Baumann**. To my knowledge, we are limited in the number of people that we have in the buildings that can deal with other kinds of problems. This is a relatively new one, as far as anybody I am familiar with in the building can ascertain. I am led to believe it does exist in some other schools throughout the city.

Mr. **Brasco**. Is it true—and I have heard this not only from Mr. Silverman, but from parents—that there are certain hallways, stairways, or places in Franklin K. Lane where this activity takes place.

Mr. **Baumann**. Yes, that is true.

Mr. **Brasco** That is true. Is it also true that condition has gone unattended?

Mr. **Baumann**. These cases I would imagine are the kind of cases that staff members would not be aware of if they were treated. I do not specifically have knowledge of any of these that have been.

I do know that a number of guidance counselors have been working with students who are allegedly homosexuals.

Mr. **Brasco**. Are you aware of the fact that there was sales of drugs going on in and around the school?

Mr. **Baumann**. Yes, I was.

Mr. **Brasco**. Before Mr. Silverman and/or any narcotics undercover team came in, was there any request from the school for assistance?

Mr. **Baumann**. On several occasions.

Mr. **Brasco**. To the police to do something about it?

Mr. **Baumann**. On several occasions in the fall of 1971, the deans and the assistant principals specifically requested that undercover teams be brought into the building. They felt there was enough activity to justify the presence of a team.

The police, after the first request, told them that they were strapped for manpower and they didn't have anyone available. But if they did come in, they would need what they called a "stool," which is a student informer in the building, and that if the deans could provide them with such a person they would be more inclined to come in once they had a line of information to come in.

The dean did in fact later bust a student on a possession of heroin charge, and the student agreed to cooperate, and the police were then again called and at that point they still could not come in. It was not until Mr. Silverman got involved that the Brooklyn South Narcotics Squad actually did get involved.

What annoys me about it is why does it take NBC to get a police undercover team into a high school that is requesting assistance?

Mr. BRASCO. Why couldn't they come in up to that point, until Mr. Silverman did. You mentioned everyone except the principal. Was he for it or against it?

Mr. BAUMANN. Mr. Selub, to my knowledge, has always cooperated 100 percent with undercover operation in the building.

Mr. BRASCO. Why couldn't they come in, as you indicated, until NBC came in?

Mr. BAUMANN. Apparently there wasn't enough "heat" and I use the term advisedly in the particular situation, where the police were willing to act.

Mr. BRASCO. You were here for the hearings and you heard some of the police witnesses. Are you saying we need more "heat" on the police department to get them to come in, or is what the police department said accurate, that the schools did not want them in?

Mr. BAUMANN. I think probably both are true in specific instances. We have, on former occasions, made requests to the police and did have them come in. In this particular instance they said they couldn't.

Now, understand, Congressman Brasco, this is following, I imagine, what was a big departmental shakeup in the New York City Police Department over narcotics corruption, and I was led to believe at the time that there was a tremendous pressure on the police to make arrests of large quantities, which is not readily done in the schools.

A conflict in police philosophy, I imagine. The police would much rather make a big bust than they would a small one.

Mr. BRASCO. In connection with the incidence of violence in the school we were discussing today, that were not reported for 2 months: What is your experience as a teacher with that? Is that kind of reporting frowned upon by supervisory authorities beyond the school principals?

Mr. BAUMANN. As I understand it—I can only talk from my experience as it relates to the Franklin K. Lane High School—there was at one time prior to this occasion that was brought up, some problem over the reporting of "untoward incidents." As I understand it, originally when the circular came down, a secretary assigned to the dean's office, and later to the assistant principal's office, prepared those reports as they accumulated and mailed them to the board.

I was later led to believe that there was some question as to the number of things that were being reported and Mr. Selub requested that upon the tabulation of that report, it be submitted to him and he would see that it reached the board of education.

Mr. **Brasco.** Why, in your opinion, was the 2-month delay encountered?

Mr. **Baumann.** I spoke to Mr. Selub about that in his office, and he told me, that after the submission of one of the reports prior to this delay, he received a telephone call from the superintendent, who wanted to know, and I will give you an exact quote on this, "What the hell was going on in the school." And Mr. Selub asked him why, and the superintendent said, "Well this report is not exactly what we expected."

Mr. Selub at that time told me that the superintendent did not tell him in so many words, not to send that report, that kind of report again, but that he did get the message.

I think it was at that point when he decided he had better find out what other principals were doing and what things were happening in the rest of the system.

On a later date I also understood that those reports were requested by the board of education and then submitted to them.

Mr. **Brasco.** We are talking about a local school superintendent?

Mr. **Baumann.** Yes.

Mr. **Brasco.** That would be what district?

Mr. **Baumann.** That was Assistant Superintendent Dombrow.

Now, very shortly after that, Mr. Dombrow paid a visit to the school. This was during the whole controversy over the NBC series was up in the air. I think at that date there had not yet been any presentation on the New York network. And Mr. Dombrow came and we met in Mr. Selub's office and Mr. Dombrow expressed to Mr. Selub and my committee and other members of Mr. Selub's administration, there was a tremendous amount of heat about Lane High School, that various legislative bodies were seriously thinking of investigating what was going on, not only at Lane, but at other schools, legislative bodies both at the Federal level and at the State level.

He requested that we attempt to work together to solve some of these problems and he also requested that Mr. Selub and myself submit reports to him in writing on how we saw the problem in the school.

Mr. Selub and I both did submit those reports and I think mine was dated March 24. The committee has a copy of that. I never received a response or acknowledgement that he received it.

Mr. **Brasco.** This is Dombrow you are talking about?

Mr. **Baumann.** That is correct.

Mr. **Brasco.** Did you have a further conversation with Mr. Selub about the problems of followup?

Mr. **Baumann.** I think we did discuss it. I don't remember any specific dates. I had said to Mr. Selub, I hadn't heard anything from Mr. Dombrow about this. I really didn't expect to hear from him, once the NBC series was over.

Mr. **Brasco.** The interesting and intriguing thing is that most educators are in the forefront of the fight to remove secrecy from government, but it seems to me, from the hearings we get, they advocate secrecy about what they are doing or not doing in the schools.

One of the most critical problems we are faced with is the problem of schools: How can they be returned to their traditional function of educating young people.

To advocate we bring television cameras into every hearing room of every legislative body in the country, but if we do it to see what is going on in the schools, then everybody gets upset and the news media exaggerates when it comes to the schools, but never when it comes to an assessment of what is going on in government. This is apparently, the position of educators.

Mr. **BAUMANN.** I don't think——

Mr. **BRASCO.** It is highly inconsistent.

Mr. **BAUMANN.** I don't think the problem, as I see it, is so much one of let's say individual incompetence in the bureaucracy, as it is a problem of the existence of a bureaucracy that allow officials to operate removed from public view. As you know, throughout the school system there is a tremendous fear on the part of anybody that is involved in it, teachers, administrators, and the professional members of the board, to stay away from what are known as sensitive areas. There has been a controversy raging over what should be done about violence in the schools and what should be done about narcotics in the schools specifically, because of so-called sensitive areas.

I am sure Congressman Rangel knows what I am talking about. Some of these are related to race and it is a highly sensitive area.

Mr. **RANGEL.** What is so sensitive about black people?

Mr. **BAUMANN.** You probably——

Mr. **RANGEL.** Let's find out, because a lot is attributed to black folks being sensitive and that is one of the issues I was raising with my colleagues. You are not talking about identifying addicts?

Mr. **BAUMANN.** No; I am referring to the sensitivity of everybody about a very touchy question—race.

Mr. **RANGEL.** Let's talk about it.

Mr. **BAUMANN.** You probably know that Lane was one of those schools that was torn by racial strife and by the decentralization issue and a number of other tragic things that came out in the 1968 teacher's strike. For a long period of time Lane, like many other schools, went through hell. The kids went through hell and they were the primary victims of what was happening to the school.

The teachers went through hell, the principals went through hell, and the superintendent who had to be on the scene also went through hell. It wasn't pleasant for anybody who was involved.

It took a long time at Lane for that kind of a thing to subside. It has subsided to a great extent; but it has been replaced by another kind of problem, which I feel the board still thinks is a racial problem, and it is not. And that is the problem of criminal activity, purely criminal activity in the school. Again, it is not the teachers that are the primary victims of this crime, but the students, themselves.

Mr. **RANGEL.** Who is sensitive about it?

Mr. **BAUMANN.** I don't know, but I wish people would begin to talk about it.

Mr. **BRASCO.** This is, and I say this quite candidly. I know my colleague and friend and I don't say it as a congressional amenity, I mean that. We discussed this thing quite candidly and I don't object—he mentioned before about my objection to people going to college. I don't object to anything. We are here to try to be helpful. What I do object to, very simply, is the lack on the part of the board of education to identify what the problems are in a particular school setting and to go in and teach those problems, notwithstanding who is sensitive or not.

I think that is secondary. I think a problem is a problem. And that is the only thing I am concerned about and I would say this quite candidly, Mr. Baumann, with all of those days that you had in schools—and I know that to some extent it still exists, with strife generated by race or any other problem, that the real problem, as I see it, is lack of leadership in the teaching profession. Those things should not be able to exist if the leadership is adequate to meet the problem.

Again, I become very concerned when NBC is able to film—and I spoke to someone else about it a little while ago, I don't remember who. They said they weren't that close, they had to use some lenses. I don't care how close. It would seem to me something about the psychology of criminality to some extent, unless they are really cocky and sure that no one is around, to get in their way at all. They are not going to be caught near a truck they don't know about and they are not going to be dealing with someone they have just met for 2 weeks. and they are not going to be doing any of these things unless they are sure this is a safe territory.

And that is how they were able to film them. I don't know what kind of cameras were used, but I can tell you, I saw the dice going from hand to hand, as well as everyone else, and I saw the crap game going on with the policeman or security guard not too far away.

This is the problem. It seems to me to be a very difficult thing for me to accept, that one would object to NBC or anyone else takin a look at it.

Chairman Pepper. Mr. Rangel.

Mr. Rangel. Just one question, Mr. Chairman.

Sir, we don't know what good is coming out of the hearings. Some very serious accusations have been made against your profession, as well as against the board of education. And certainly the Department of Health has admitted the charges in the indictment.

Now, you heard from your colleagues today—and certainly there is no comparison with the testimony we heard on the other side of the coin, to indicate anything different—more kids are dying of heroin addiction than any other cause.

My question to you, as a member of the United Federation of Teachers, is: do you attend meeting outside of Franklin K. Lane High School?

Mr. Baumann. Yes, I do.

Mr. Rangel. You attend meetings on a citywide basis?

Mr. Baumann. Yes, I do.

Mr. Rangel. Do you discuss the problem of drug addiction except for the problem of race?

Mr. Baumann. Not at any of the legislative meetings. It was the subject of a special committee report in 1970. That was prepared and submitted to the board of education, I believe, in June of 1970.

Mr. Rangel. Does the United Federation of Teachers talk about a disease which allegedly is killing more youngsters than any other single disease? Do they discuss this as they discuss anything else?

Mr. Baumann. I don't remember any specific meeting that was devoted to it, Congressman. I know there were individual motions that were passed by the delegate assembly. Offhand, I don't specifically remember.

Mr. Rangel. As a State legislator, I never voted against any bill to increase the pensions or salaries or fringe benefits of any teacher in the State of New York, but you just don't understand how badly I feel that the United Federation of Teachers could not in return just concern themselves with the problems of kids' welfare.

Mr. BAUMANN. I don't know how to answer that, Congressman.

Mr. RANGEL. Thank you.

Chairman PEPPER. Mr. Baumann, I just want to ask you one question. You impress me as being a knowledgeable and conscientious teacher. Incidentally, I taught school 1 year of my life and at a university law school another year. So I am interested in the matters of education.

What would you suggest as to the kind of program which should be devised to deal with such problems as with respect to drugs and violence that you have in Lane school?

Mr. BAUMANN. Specifically, I think any program that is instituted has to be twofold. It has to be preventive to a certain extent, and it also has to deal with pushers in the building. Preventative programs will depend to a great extent on the proper training of personnel specifically teachers. There is no program in New York City that I know of today that offers teachers intensive training in the recognition only of narcotic symptoms. None that I know of that are available to the entire staff.

That is an absolute necessity because we have people in our building that wouldn't know narcotic paraphernalia if they fell over it, they wouldn't know marihuana if they smelled it in the halls. There is a very, very strong need, and I think every teacher should have that kind of training.

Chairman PEPPER. What else, if anything?

Mr. BAUMANN. I think, also, you need enabling legislation that would permit as the need be, periodic sweeps of high schools by police undercover teams, because I believe that is the only way you are going to catch a pusher in the school. There is too much of the feeling among the students that to turn the name of a pusher over to anyone in the position of authority is like signing your own death warrant.

Now, the pushers come from the neighborhoods that the kids come from. Those kids have to go back to those neighborhoods. Whether it is narcotics or just cases of out and out crime in the school, we have numerous instances where students have acted as plaintiffs and witnesses in cases and have been harassed. That has to be permitted in the schools wherever possible.

Now, the only safe way to expose pushers in a building is with undercover agents. That, I think, is vitally important.

Chairman PEPPER. Anything else?

Mr. BAUMANN. I would also favor an alternative school approach for addicts to get them out of the mainstream of the school. I think there is one area that this committee hasn't really touched upon, and that crime that is related to narcotics in the schools. You have large numbers—this is systemwide—large numbers of extortions, ripoffs, and muggings in and around the schools and the reports of students carrying money around in their sox, hidden about their bodies, or stashed some place in the building, are true.

There are many students that attend New York City high schools that will not go into cafeterias, will not enter lavatories, and are afraid to walk the halls alone, and will purposely avoid certain stairwells in the building. That kind of an atmosphere is not an atmosphere that I would want my son in. I don't think any parent should be forced to send a child to a school that can't provide reasonable safety. We are not asking for an armed camp. We are asking for a reasonable amount of safety, where a parent and a student can be relatively sure that they are going to get home in one piece. That hasn't always been true at Lane or any one of 20 or 25 other high schools around the city.

One of the big problems that we have had in New York City is that certain schools get exposure in the media, other schools don't. What happens is, a parent that has a child that does not attend the school that has been exposed in the media, thinks that the school he attends is a good school. That is not necessarily true. There are incidents that take place in every one of these schools in New York City. Remember that most of these are large schools. Some of them are worse than others. Lane doesn't happen to have the kind of narcotics problems that other New York City schools have.

But it does have a crime problem. I think that is specifically related to narcotics. You can pick any one of the percentages that any one of the commissions have stated, from 55 percent street crime to 95 percent of street crime related to narcotics.

We have to deal with the problem because it gets to a point where the kids walk in fear.

Chairman PEPPER. Mr. Baumann we thank you very much.

If you would like to submit to us some memo, some written suggestions, we would be glad to have them.

(The following material was received for the record from Mr. Baumann.)

MARCH 24, 1972.

Memorandum to: Oscar Dombrow, Assistant Superintendent for Brooklyn High Schools.

From: James Baumann, U.F.T. Chapter Chairman, Franklin K. Lane High School.

Re Mr. Dombrow's request of March 16th for a statement of the nature of the problems at Lane High School.

1. NARCOTICS

The sale and use of narcotic drugs has long been a serious problem at Lane High School. The Central Board and the Chancellor's Office have done little in conjunction with law enforcement agencies to combat illicit drug traffic, pushers, addicts (student and non-student) and narcotic-related criminal activity in the school. Much of the extortion and theft in the building is related to narcotics. The only known attempt of 110 Livingston Street to deal with the drug traffic at Lane came during a short period in the 1970–1971 school year when the special "flying squad" of security guards was assigned to the school and made a number of arrests for possession of drugs. Too often, students arrested and charged with illegal possession are returned to their school or "traded off" to another high school.

2. READING RETARDATION

Large numbers of youngsters come to Lane each year from core areas (such as JHS 271 and IS 55 in Ocean Hill-Brownsville) with reading scores three to five years below grade level and, therefore, have great difficulty and meet with frustration in coping with even the most elementary reading material available on the high school level. A heavy concentration of youngsters with severe reading retardation in a school with limited resources makes it much more difficult to give remedial opportunities to the large numbers of students who need special help. Also in recent years a significant number of high school applications of non-readers were altered by feeder schools after the high school had rejected them for inadequate reading scores. (See study prepared by Assistant Principal (Guidance) 1970)

3. STUDENT ATTITUDES

The great majority of Lane students come from feeder schools where violence and disruption have not been uncommon over the last few years. Many come deeply frustrated and tend to become quickly alienated from Lane. Many resent having to make the long trip from Brownsville and Bedford-Stuyvesant via the IND and/or BMT lines. For many there is resentment against the school which is located in a white middle class neighborhood that is quite different from their own environment. Last September approximately 80% of the incoming class came from relatively distant feeder schools in Brooklyn.

4. POVERTY AND CRIME

Many, many of our youngsters come from areas which have been designated as poverty areas by the Board of Education for the purpose of dispensing ESEA funds under Title I. These areas are also designated as high crime areas by the New York City Police Department. To the same extent as poverty is related to crime criminality is often brought into the school. The school administration and faculty have been unable to deal successfully with the abnormally high concentration of juvenile offenders operating within the school without additional personnel and supportive services.

5. ALIENATION OF THE LOCAL COMMUNITY

The decrease in the number of local children attending Lane has been in direct proportion to the upsurge of crime and disruption since 1965. With the number of local children coming to Lane sharply reduced there has been a corresponding increased alienation of the surrounding community which views Lane as a menace rather than an asset. Evidence of the fear of the local communities of Woodhaven and Cypress Hills can be found in an examination of the class lists from JHS 210 in Woodhaven. On June 30, 1971 there were 108 graduates in the Lane zone whose names appeared on the list notices. Of that number 13 suddenly had a "change of address" over the summer and were transfered to nearby Richmond Hill or John Adams High School, 5 transferred to Edison Vocational High School, 14 were accepted in private or parochial schools, 5 enrolled in schools outside the city. In total, almost one-third of those students on list notices in June *did not* come to Lane. An examination of the rolls of nearby parochial schools will indicate that each year hundreds of local youngsters are escaping the public school system because of the fear of most residents of the escalating criminality in city schools.

6. LACK OF SUPPORTIVE SERVICES

In spite of the fact that the average daily attendance at Lane during the 1970–1971 school year was an abysmally low 58%, by far the lowest in Queens County and among the lowest in Kings County, the Central Board of Education made no attempt to deal with widespread truancy. No special attendance team is assigned to the school. Similarly, there are only 3 security guards to protect student health and safety.

7. TRUANCY AND THE IN-SCHOOL DROPOUT

There are presently on the Lane attendance rolls approximately 600 to 1,000 youngsters who do not attend school at all or who attend so infrequently that they are not being educated. The youngsters in this latter group, chronic truants and class cutters are most frequently those who are apt to engage in criminal and disruptive behavior. The present state law prevents a principal from suspending such youths more than twice and places a five day limitation on such suspenses. This, coupled with the difficulty of getting the High School Office to hold a Superintendent's hearing on chronic disruptors forces the school to keep many youngsters whose day to day actions make it difficult (sometimes impossible) to conduct a meaningful educational program for the 3,000 students who do come to school, do attend classes, and are achieving academically.

8. THE FUNCTION OF THE DEANS' OFFICE

At Lane, the function of the Deans has shifted from that of guidance counsellor and disciplinarian to that of law enforcement officer and district attorney. The sheer number of reported criminal acts (over 250) compel the Deans to devote most of their time and energies to investigating reports of arson, extortion, theft, assault, molestation, etc. Subsequently, they pay less attention to noncriminal acting out and guidance functions for students who have problems which do not result in criminal activity. Generally, the problems facing the Deans have resulted in their being understaffed and overworked on clerical procedures alone.

9. THE PHYSICAL PLANT

A former Superintendent of Schools observed that Lane's curse was its size. With five floors, each running a quarter of a mile in quadrangular shape, with numerous stairwells in every corridor, with numerous exits into the street and courtyards it is all but impossible to control entrance and egress from the building. During the February to June 1970 period when 12 security guards were assigned to Lane the problem of unauthorized entrance and movement within the building was to a great extent brought under control. Since the subsequent cut of security guards from 12 to 6 to 3 many of the problems which had been alleviated have now reappeared.

10. THE STUDENT BODY

Although Lane is one of the few academic high schools operating on a single session the presence of hundreds of youngsters with severe educational and emotional problems is almost overwhelming. In addition to the 1300 new students the schools admits each year from feeder schools up to 800 additional students are permitted to register in the school in September and October. While many of these students have just moved into the Lane zone significant numbers are transfers from vocational or other academic high schools which originally accepted them under the open enrollment or skip zone plans. A study prepared by Mrs. Mary Cohen, Assistant Principal, for Assistant Superintendent Zack in 1970 showed that many of these students were either truants or had been in trouble at their former schools (they were urged to transfer to their zoned high school—Lane). There are also those youngsters who remain on the school rolls under law in order to qualify for ADC payment and the 18 to 21 year olds who have acquired few course credits and remain in school to avoid the draft. Youngsters such as these often demonstrate severe motivational problems and frequently become involved in disruptive activities.

11. THE ROLE OF THE HIGH SCHOOL OFFICE

The experience of the Faculty of Franklin K. Lane with the Office of High Schools over the last three years has been a continual source of frustration and bitterness.

It is our experience that the High School Office is more concerned about the absence of riot, news headlines, community pressure and political "heat" than real educational problems of our youngsters. The troubled years behind us demonstrate with few exceptions that the High School Office can only *react* in times of crisis. The alleged supportive role the High School Office is supposed to play in reference to the High Schools simply does not exist. The impact of all this has left us with a soured attitude despite pronouncements of genuine concern by the High School Office which, sadly, we receive only with disbelief. Unfortunately, for all of us, the High School Office has not mated action to verbiage. Whether this is the fault of the Office, Board policies, or budget cuts should not be determined at this point. Needless to say, the role, purpose and "concern" (for school problems) of the High School Office seems as clouded as a steamer in the North Atlantic fog. It continues to blow its own horn, not really knowing where its been, where it is or where it is going.

12. ADMINISTRATIVE AND FACULTY MORALE

Referring to 110 Livingston Street teachers and administrators have said, "Those people down there don't give a damn about what's happening here unless the heat is on them." It would not be unreasonable to add an addendum . . . and even then you can't be sure they really mean it. "This is a widespread feeling."

Teachers are faced with the problems and very real needs of students on a day to day basis. Aside from the serious educational handicaps which significant numbers of students at Lane demonstrate there are medical, personal, domestic, emotional, and economic problems which we see every day. There are too many instances where we, at the school, are powerless and very often helpless in these situations. In a very real sense we feel that the system is only paying "lip service" to many of the needs of students. If this were the only source of professional frustration the situation might be more bearable.

Many youngsters now attending Lane come from core areas where economic deprivation is widespread, crime is rampant, and faith in the ability of our society to deal effectively with their (the students) problems is virtually non-existent. Crime in a school serving such youngsters is especially intolerable. It is essential that criminal activity be eliminated as completely as possible in schools serving youngsters from high crime areas. A safe school does three things. It provides a safe atmosphere for all students where they can learn without fear that they will be "ripped off" or otherwise assaulted. It eases the concern of parents for their children's safety and helps demonstrate that the society can cope effectively with serious problems.

While we would like to believe that a reasonably safe atmosphere is being provided we all know that this is simply not the reality of the situation at Lane and at many other schools. The Board's own admittedly grossly inaccurate statistics on school violence and crime indicate that the situation is getting worse with each passing semester. We at Lane have known this only too well for over three years. While the Board was afraid to speak or act on the issue because of alleged racial overtones or insensitivity we were called "re-actionaries". When we became angry because the Board was publicly and budgetarily ignoring the situation we were called "childish and immature". While conditions have continually deteriorated the Board has found the supreme expedient . . . the budget cuts. The Public may be pacified with this drivel but we know that as teachers our professional advice has been ignored while the Chancellor went to Washington last fall to testify against the Safe Schools Bill of 1971 which would have provided federal funds for school security. We also know that the Board lobbied for Governor Rockefeller to veto the Disruptive Student bill last year. Is it any wonder that teacher morale at Lane is lower than it has been in years?

13. BUREAUCRATIC POLITICS

Passing the buck is a favorite pastime of bureaucrats the world over. The Board is not immune from this debilitating disease. The bureaucrats at 110 Livingston Street are able to hide from general public view, expert subtle but effective pressure on teachers and administrators, and still protect themselves if something goes wrong. This may all seem like a sinister plot but it is basically the fault of a system with virtually no checks and balances.

The system of suspenses is structured so that, if necessary, a youngster may be referred to the Superintendent's level for an administrative suspense. However, this basically inadequate system (for all concerned) has been subverted by subtle pressures exerted by the High School Office. For example, a Superintendent once said to me, We've been so loaded with student suspenses we can't get any work done." High School Principals know that if they refer "too many" students their professional ability becomes suspect at headquarters. Consequently the Principals become very reluctant about this whole area and refer only those cases which they feel are "safe" for them (the Principals) and even then the number of "safe" referrals is purposely kept low.

Principals also know superiors will question (subtly) their ability if the number of untoward incidents is high. (Figures for Lane attached.) There is a reluctance to report the facts accurately (especially if they are high) and sometimes reports are not submitted at all.

We have also seen Principals become scapegoats in situations where the Board refused to support a School's professional staff. It has almost become routine for one Principal to be canned so another can be assigned and given support. In this manner the dismissed Principal takes the blame not 110 Livingston Street.

That the Board acts only when the "heat" is on has become a universal truth of the school system. It can be demonstrated that media interest (with its attendant pitfalls) in a particular school does result in getting the attention of the High Office, loosening funds occasionally and providing some temporary problem solving. We can also demonstrate that the lack of riot, media interest or major calamity results in High School Office apathy for a particular school despite the counsel of the school's administration and faculty.

The professional staff at 110 is not made up of fools constantly doing "busy work". Many are highly dedicated people who are in very tenuous situations afraid to speak out publicly against policies of the 'lay' Board or the Chancellor. Apparently speaking out against what is judged professionally as bad policy is tantamount to resignation.

14. BUDGET PRIORITIES

We can all agree that the so-called "crisis budgets" of the last two years have caused tremendous hardships throughout the school system. But it should be remembered that the drastically restricted budgets have not been solely responsible for the crisis in school security. Over the past three years school security problems have been increasing at alarming rates yet the Board virtually ignored the problem budgetarily. Providing reasonable safety for students and teachers should have become an important budget priority mandating the reordering of the overall budget. While these problems increased the Board actually reduced its monetary commitment. To an outside observer it would seem that the Board is equating a child's health and safety with dollars.

110 Livingston Street can not use the budget argument to absolve itself of its responsibility of providing reasonable safety for students and teachers after the Chancellor's testimony in Washington last fall. If Chancellor Scribner were at all sensitive to the problem he would have favored the Safe Schools Bill (1971) to provide federal monies to school districts for school security. If the Board was truly sensitive to the problem it would *not* have urged the Governor to veto the 1971 suspense bill which passed both houses of the State Legislature and did not require any additional expenditures. The old lack of money argument simply is no longer a reasonable argument or an acceptable one.

If, as you, Mr. Dombrow claims, the problems of Franklin K. Lane High School are about to be brought into severe public scrutiny by the media and the State Legislature it is really because of a long period of neglect by officials at 110 Livingston Street. The school administration and the faculty have worked closely together in an attempt to produce significant reform. There has been significant curriculum change, new programs have been introduced, dozens of elective courses are being offered, teachers have received sensitivity training and with few exceptions the classroom situation is a healthy and relevant one. Teachers relate admirably to students in their classes and to students they know from past semesters or through extracurricular activities. Many teachers have given up preparation periods to do voluntary patrols. The faculty of Lane is sensitized to the student body and rarely does a teacher "provoke" a student into an act of violence. With few supportive services, no alternative for hundreds of in-school dropouts, Central Board policies that force the school to retain disruptive youths, a disproportionately large number of educationally disadvantaged students and the local communities disowning the school, there can be little hope of Lane providing good education for all its students unless constructive support is forthcoming from the Board immediately.

REPORTED INCIDENTS AND ARRESTS, LANE HIGH SCHOOL, 1971-72

INCIDENTS REPORTED TO DEAN'S OFFICE (BOYS)

	Sept. 13, 1971-Jan. 31, 1972		Feb. 1, 1972-Mar. 17, 1972
Theft	127	Theft	24
Extortion	64	Extortion	3
Assault	21	Attempted extortion	1
Harassment	3	Assault	7
Other	13	Other	17
Total	228	Total	52

ARRESTS AT LANE HIGH SCHOOL, 1971-72

	Sept. 13, 1971-Jan. 31, 1972	Feb. 1, 1972-Mar. 17, 1972
Possession of dangerous drugs	7	2
Assault	2	1
Robbery	3	2
Possession of dangerous weapons	3	
Harassment	9	
Reckless endangerment	2	
Loitering	2	
Larceny	4	
Sexual abuse	1	
Criminal trespass	1	
Attempted robbery	1	
Rape	1	
Total	36	5

Chairman **Pepper**. Thank you very much, gentlemen. We are sorry to have kept you here so long, we are sorry to have kept the reporter, but we appreciate your coming.

(Thereupon, at 8:55 p.m., the hearing was adjourned, to reconvene Monday, July 5, 1972, in Miami, Fla.)

○